

## Ideal Model of Policy Providing Remissions to Corruption Prisoners in Indonesia: Comparative Study between Indonesia and the Netherlands



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**ABSTRACT:** The main objective of this research is to examine the ideal model of remission policy for corruption convicts in correctional institutions in terms of fulfilling the rights of inmates, in order to analyze the policy revision arrangements for reducing the sentences of corruption convicts in the statutory regulations and look for an ideal model that can be applied to optimize the implementation of granting remissions to prisoners involved in corruption cases in correctional institutions. This thesis research uses a juridical-normative method. The data collection process was carried out using observation techniques, in-depth interviews and documentation studies. In analyzing the data, researchers used qualitative analysis techniques with steps for data exposure and data reduction. This research's conclusions were drawn using varied extrapolation based on the reliability of the research findings. Meanwhile, data validity guarantee techniques are carried out using credibility, transferability and confirmability. The results of this research illustrate that the birth of Law Number 22 of 2022 concerning Corrections is a series of criminal law enforcement units, therefore its implementation cannot be separated from the development of general conceptions regarding punishment. Prisoners are not only objects, but also legal subjects who are no different from other humans, who at any time can make mistakes or mistakes that can be punished. Punishment is an effort to make prisoners aware of regretting their actions, and returning them to be good citizens, obeying the law, upholding moral, social and religious values, so as to achieve a safe, orderly and peaceful society.

**KEYWORDS:** remission, the ideal model, corruption, prisoners, policy.

### INTRODUCTION

The granting of remission to prisoners in Indonesian correctional institutions is an important aspect of the criminal justice system. Remission is one of the legal instruments that provides an opportunity for prisoners to reduce their sentence period as a form of appreciation for good behavior and positive involvement while serving a sentence. However, observation of the implementation of remission in various correctional institutions shows that there are variations in the policy of granting remission, both in the amount given and the criteria for determining it.

Differences in the granting of remission to prisoners in Indonesian correctional institutions cover not only quantitative aspects, but also qualitative ones. The factors leading to these variations can involve a variety of considerations, including case characteristics, the severity of the crime, and the internal policies of correctional institutions.

Corruption, as a specific criminal offense that harms state finances and undermines public trust in public institutions, is a serious focus of law enforcement efforts. Remission, as one of the legal instruments to provide leniency, becomes an important discussion when applied to corruption convicts. In its countermeasures, an unconventional approach is needed and beyond the usual methods.<sup>1</sup>

According to Wijayanto, fighting corruption can be likened to running a long distance. It requires a long journey at a gradual constant pace. It requires time, thought and knowledge to guide the nation towards freedom from corrupt practices.<sup>2</sup>

Considering the magnitude of losses arising from corruption, the use of criminal law as a tool to cause suffering and misery to offenders is considered an effective method in efforts to eradicate and prevent corrupt practices. This thinking is in line with the opinion of Dr. Wirjono Prodjodikoro who stated succinctly that "Criminal law is the legal regulation of punishment". Furthermore,

<sup>1</sup> Penjelasan Undang-Undang Republik Indonesia Nomor 30 Tahun 2002 tentang Komisi Pemberantasan Tindak Pidana Korupsi (Lembaran Negara Republik Indonesia Tahun 2002 Nomor 137, Tambahan Lembaran Negara Republik Indonesia Nomor 4250 ).

<sup>2</sup> Wijayanto dan Ridwan Zachrie, *ed.*, *Korupsi Mengkorupsi Indonesia*, (Jakarta: PT Gramedia Pustaka Utama, 2009), hlm. xxii.

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he explained that the word "punishment" refers to the thing that is the object of punishment, which is applied by the authorities to individuals as a form of unpleasant experience.<sup>3</sup>

Slowly but surely, the negative impact of the Corrections Law (UU PAS) is starting to be felt. Instead of upholding the right to justice for victims of crime, this regulation actually benefits the corrupt gangs. Many corruption convicts have been granted parole. As a result, they are able to leave correctional institutions (lapas) more quickly before completing their legal obligations.

Some of the names who received "special gifts" from the Ministry of Law and Human Rights are not just random people, ranging from Patrialis Akbar (former Constitutional Judge), Suryadharma Ali (former Minister of Religion), Ratu Atut (former Governor of Banten), Zumi Zola (former Governor of Jambi), Pinangki Sirna Malasari (former Attorney General's Office Prosecutor), and dozens of other corruption convicts. The reason for full prisons is not based on factual evidence at all. This is because, based on data from the Ministry of Law and Human Rights as of November 2021, the number of corruption prisoners is only 4,431 out of a total of 270 thousand residents of the "prison hotel". So, corruption prisoners are only around 0.01 percent of all prisoners who inhabit Indonesian prisons.

With the ease with which corruption perpetrators can obtain parole, there are likely to be impacts in the future. Indonesia's image will become worse in the eyes of the world with regard to its commitment to eradicating corruption. Article 30 paragraph (5) of the United Nation Convention Against Corruption (UNCAC) requires countries to consider the severity of the crime before granting parole.

The implementation of punishment for lawbreakers takes place in correctional institutions, known as coaching efforts within the institution. The aim is for lawbreakers to realize their mistakes, prevent repetition of actions, and return to play a positive role in society. A person serving a prison sentence is called an inmate, where his detention aims to get guidance in the Correctional Institution.<sup>4</sup>

Changes in the prison system, as stipulated in the Corrections Law, are the result of a humanitarian movement that views prisoners as complete human beings, need to be socialized, and are supported by scientific findings from both social and natural sciences that are based on empirical experience.<sup>5</sup>

Corrections is a therapeutic process. When prisoners arrive at the penitentiary, they tend to have disharmony with their surroundings and establish negative relationships with the community.<sup>6</sup> The development process they undergo in the institution is inseparable from the influence of other elements in society. As a result, in the end, prisoners and the surrounding community become a unity that lives in harmony and harmony, recovering from the negative and detrimental impacts that previously existed.<sup>7</sup>

The main objective of organizing the Correctional System is to integrate prisoners into society with health that allows them to play a free and responsible role. Prisoners and juvenile offenders are considered as individuals who, at their core, are directed to redevelop their original relationship with God, themselves, and their surrounding environment. Healthy integration is defined as an effort to restore the relationship of prisoners with the community.<sup>8</sup>

Thus, the Correctional System within the scope of the criminal justice system covers broad aspects, such as: (a) preventing the community from becoming victims of crime; (b) solving crimes to provide a sense of justice to the community and punish the perpetrators; and (c) preventing criminals from repeating their actions. The main agencies that collaborate in this system are institutions such as the police, prosecution, courts and corrections.<sup>9</sup>

The correctional system in Indonesia has changed the function of punishment, which was previously a system of deterrence against criminal offenders into a coaching process, as well as efforts to social integration for correctional residents. So that after undergoing the punishment process, the perpetrators of criminal acts are not only deterred by the treatment during punishment, but also realize that the actions they have committed are wrong, so that they can become useful human beings for society.

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<sup>3</sup> E.Y Kanter dan S. R Sianturi, *Asas-asas hukum Pidana di Indonesia dan Penerapannya*, (Jakarta: Penerbit Stora Grafika, 2002), hal 15. (Dalam Wirjono Projodikoro, *Asas-asas Hukum Pidana di Indonesia*, hlm.1-10)

<sup>4</sup> Yuni Aditya Adani, *Pemberian Remisi terhaap Narapidana Korupsi Berdasarkan Peraturan Pemerintah Nomor 99 Tahun 2012*, JOM Fakultas Hukum, Volume 3, Nomor 1, Februari 2016, hlm. 2.

<sup>5</sup> Muladi, *Lembaga Pidana Bersyarat*, (Bandung: Alumni, 1992), hlm. 97.

<sup>6</sup> Proses ini merupakan sebuah program yang memadukan berbagai metode meliputi aspek medis, sosial, kerohanian dan keterampilan digunakan dalam pelayanan dan rehabilitasi terpadu, pada mulanya digunakan hanya bagi pasien-pasien psikiatri, mulai dikembangkan setelah perang dunia kedua. Metode *Therapeutic* merupakan sebuah keluarga yang terdiri atas orang-orang yang mempunyai masalah dan tujuan yang sama yaitu menolong diri sendiri dan sesama oleh seseorang dari mereka sehingga terjadi perubahan tingkah laku dari yang negatif kearah tingkah laku yang positif.

<sup>7</sup> Andi Hamzah, *Suatu Tinjauan Ringkas Sistem Pemidanaan di Indonesia*, (Jakarta: Akademika Pressindo, 1983), hlm. 116.

<sup>8</sup> Peraturan Menteri Hukum dan Hak Asasi Manusia Republik Indonesia No.M.HH-OT.02.02 Tahun 2009 tentang *Cetak Biru Pembaharuan Pelaksanaan Sistem Pemasyarakatan*, hlm. 123.

<sup>9</sup> Mardjono Reksodiputro, *Kriminologi dan SPP Kumpulan karangan Buku Kedua*, cet.I, 2007, (Jakarta: Pusat Pelayanan keadilan dan Pengabdian Hukum UI, 2007), hlm. 140.

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The legal provisions governing the latest Corrections are Law of the Republic of Indonesia Number 22 of 2022 concerning Corrections. This law is one of the legal bases for the correctional technical service unit which replaces the previous law, namely, Law of the Republic of Indonesia Number 12 of 1995 concerning Corrections. With the inauguration of the Law of the Republic of Indonesia Number 22 of 2022 concerning Corrections, it strengthens the position of Corrections as a neutral position in the Criminal Justice System that responds to the dynamics of community needs for Restorative Justice. The Correctional System is based on the principles of protection, non-discrimination, humanity, mutual cooperation, independence, proportionality, loss of independence as the only suffering, and professionalism.

The new Corrections Law contains strengthening the position of Corrections in an integrated criminal justice system that organizes law enforcement in the field of treatment of Prisoners, Children, and Prisoners; expansion of the scope of the objectives of the Corrections System not only improves the quality of Prisoners and Prisoners but also guarantees the protection of the rights of Prisoners and Children; updating the principles in the implementation of the Corrections System based on the principles of pengayoman, nondiscrimination, humanity, mutual cooperation, independence, proportionality, loss of independence as the only suffering, and professionalism.

There are striking differences in the granting of remission to corruption convicts. These differences involve complex factors such as legal provisions, humanitarian considerations, as well as considerations regarding the objectives of rehabilitation and the effectiveness of punishment for corruption offenders. Prisoner dissatisfaction with the granting of remission in Indonesia arises for a variety of reasons, and is often related to perceptions of unfairness, legal certainty, or the conditions of policy implementation in correctional institutions. If the criteria for granting remission are not clearly explained or are too subjective, prisoners may feel confused or uncertain about the conditions that must be met. This can create dissatisfaction and uncertainty. Dissatisfaction may arise if there are perceived differences in treatment between prisoners. If some prisoners are perceived to receive more fair or unfavorable treatment, this can create dissatisfaction and inequality.

Prisoners may feel dissatisfied if the process of granting remission is affected by corruption or abuse of power. If there are indications that remissions are granted on the basis of unfair or dishonest considerations, this can be detrimental to prisoners' trust in the system. Correctional institutions are experiencing a state of overcrowding, where capacity is exceeded, prisoners may feel that these conditions limit their opportunities to meet the conditions of remission or participate in rehabilitation programs.

However, the policy of granting remission for corruptors results in polemics in society, pros and cons occur. Some of them argue that the granting of remission to corruption convicts is considered to have contradicted and undermined the commitment of the government of the Republic of Indonesia in eradicating corruption.

In other countries, such as the Netherlands, corruption remission is a complex concept. The Netherlands has a strict legal system against corruption, and the application of the law is often considered strict. However, as in other countries, there are various factors that can affect the remission or sentence reduction process for corruption offenders in the Netherlands. Remissions or sentence reductions can occur in a number of situations, including in corruption cases, although to varying degrees depending on factors such as legal policy, public opinion, and court decisions. In severe cases of corruption, the sentences handed down by the courts are usually quite severe, and remissions may not occur often.

However, changes in legal policy or political pressure can also influence the approach to corruption remissions in the Netherlands. This could include changes in the view of the corruption problem as a whole, or changes in the political emphasis on the enforcement of laws against corruption offenses. In general, although the Netherlands has a strong and often strict legal system against corruption, remissions or reduced sentences can still occur in certain cases, depending on various factors affecting legal policy and law enforcement in the country.

The legal systems of Indonesia and the Netherlands have a close historical relationship, especially as Indonesia was a former Dutch colony for almost three centuries before gaining independence in 1945. The influence of Dutch law can still be seen in the current Indonesian legal system, although it has undergone various changes and adjustments. During the Dutch colonial period in Indonesia, Dutch colonial law was enacted as a means of control for the colonial government. This law includes regulations issued by the Dutch colonial government to regulate life in its colonies.

The system for granting remission in the Netherlands can vary and depends on the criminal law and correctional policies in place in the country. The granting of remission in the Netherlands usually depends on the prisoner's behavior and compliance with the rules and norms within the penitentiary. Prisoners who show signs of rehabilitation, participate in educational or employment programs, and comply with disciplinary rules may have a chance of being granted remission, and the granting of remission for corruption offenders often involves special and careful consideration.

The Dutch remission system generally emphasizes transparency and fairness in decision-making. The decision to grant remission must be based on clear and objective criteria to ensure that eligible prisoners receive their due. Prisoners serving different types of sentences, including corruption cases, can be eligible for remission as long as they meet the set criteria. The remission system in the Netherlands can be integrated with rehabilitation efforts and preparation for the social reintegration of prisoners into society after the completion of the criminal period.

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In recent years, the crime rate in the Netherlands has continued to decline, which has resulted in more and more empty prison cells, and some prisons have even been closed due to lack of occupants. This phenomenon contrasts with the condition of correctional institutions in Indonesia. In Indonesia, almost all prisons and detention centers are over crowded.

The granting of remission in Indonesia and the Netherlands has differences in various aspects, including the rules, criteria and principles used in the process of granting remission. These differences can be reflected in the criminal laws and policies of each country. Indonesia has a legal system based on Roman law or continental law, while the Netherlands also uses the Roman law system but with the influence of civil law. These differences in legal basis may reflect differences in certain aspects of granting remission.

The criteria and procedures for granting remission also differ. This includes considerations such as the behavior of the prisoner during the period of detention, the type of crime committed, and other factors that may influence the decision to grant remission. The criteria for granting remission may differ depending on the type of crime committed by the prisoner. For example, whether the crime falls under the category of serious or minor crimes, and whether there are differences in the granting of remission for certain types of crimes. Others may also emphasize the humanitarian and rehabilitative aspects of granting remission, whereas others may focus more on the community recovery and security approaches.

The purpose of writing this thesis can include several aspects to be achieved and conveyed through research, namely to thoroughly understand how remission for corruption convicts in Indonesian correctional institutions is implemented and explore the extent to which the policy of granting remission to perpetrators of corruption is ideal in the legal level in Indonesia.

Based on the above background, the problem formulation in this study is as follows How is the ideal model of remission policy for corruption convicts in correctional institutions?

## **RESEARCH METHODS**

This thesis is a research that adopts a juridical-normative approach. where the law is conceptualized as what is written in laws and regulations (law in books) or law is conceptualized as rules or norms that are a benchmark for human behavior that is considered appropriate. This normative legal research is based on primary and secondary legal materials, namely research that refers to the norms contained in laws and regulations.

## **DISCUSSION**

### **1. Ideal Model of Remission Policy for Corruption Prisoners in Indonesia**

#### **a. Basic Principles**

##### **1) Principle of Justice**

###### **a) Equality of Treatment**

Ensure that all prisoners, including corruption prisoners, are treated fairly without discrimination. Remission policies should be based on clear objective criteria and applied consistently.

There should be no discrimination based on type of crime or socio-economic status. Every prisoner has the same right to obtain remission opportunities based on established criteria. Remission policies should be based on clear and objective criteria, such as behavior during detention, participation in rehabilitation programs, and fulfillment of administrative requirements. Decisions regarding the granting of remission should be applied consistently to all prisoners who meet the same criteria. There should be no special treatment or unfair exceptions. The process of granting remission should be transparent and accessible to the general public. Official documents explaining the criteria and procedures should be publicly available, and prisoners and the public should be clearly informed of their rights in relation to remission. There should be an independent oversight body responsible for monitoring and evaluating the remission process. This body should have the authority to investigate complaints and violations, and make recommendations for improvement where necessary.

Prisoners should be educated about their rights regarding remission and the process. They should be given sufficient information to understand how they can fulfill the conditions of remission and their right to protest unfair decisions. Every application for remission should go through rigorous screening to ensure that the criteria are met and that there is no abuse or misuse of the process. A system of continuous evaluation should be put in place to ensure that the remission policy remains fit for purpose and the principles of equality and fairness.

By ensuring that remission policies are based on the principles of equality, fairness and non-discrimination, the granting of remission can be an effective tool in the rehabilitation of prisoners and support a fair judicial process. It will also help build public trust in the criminal justice system and maintain its integrity.

###### **b) Proporsionalitas**

The granting of remission must be balanced with the crime committed and the inmate's contribution to society during the detention period. Remission should not be granted automatically, but should consider the severity of the corruption crime committed.

Remission must be adjusted to the severity of the criminal offense committed by the convict. Corruption crimes that violate public trust and harm society must be treated seriously in the process of granting remission. Decisions regarding the granting of

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remission must consider the level of damage and negative impact caused by the corruption crime. Prisoners involved in corruption that significantly harms society may require more rigorous evaluation and consideration before being granted remission.

Prisoners who have made positive contributions to society during their incarceration, such as participating in rehabilitation programs, providing important information for law enforcement, or engaging in worthwhile social activities, should be recognized and considered in the process of granting remission. Prisoners' contributions to society should be objectively evaluated and measured in the context of the public interest. This may include an assessment of their involvement in rehabilitation activities, efforts to improve themselves, or direct contributions to the fight against corruption.

Remissions should not be granted automatically to corruption convicts. Each application for remission should be analyzed individually and take into account a range of factors, including the extent of the crime, contribution to society, and behavior during the period of detention. Decisions regarding remission should be based on a careful assessment of a range of relevant factors, including the character of the prisoner, their responsibility for the crime committed, and the potential for rehabilitation and reintegration into society.

Corruption crimes often have a serious and detrimental impact on society. Therefore, in the process of granting remission, the severity of corruption offenses must be carefully considered, and remission should not be granted frivolously. Remission must be part of rehabilitation efforts, but must also be balanced with the need to uphold the law and maintain justice. Assessments of the severity of corruption offenses must take these two aspects into account carefully.

By ensuring that the granting of remission is balanced with the severity of the crime committed and the contribution of the prisoner to society, the remission system can serve as an effective tool in supporting the rehabilitation and reintegration of prisoners into society, while maintaining justice and public confidence in the legal system.

### **2) Principle of Transparency Openness of Information**

The process and criteria for granting remission must be transparent and open to scrutiny by the public and oversight institutions. Every decision regarding remission must be published and accessible to the public.

All procedures and criteria for granting remission must be clearly documented and open to the public. This includes official guidelines, application procedures, and evaluation criteria used in the decision-making process. The documents should be available for access by the general public, either through the official website of the authorized institution or through direct request. This allows the public to understand how remission decisions are made and provides transparency to the process.

Independent oversight bodies, such as the Ombudsman or human rights commissions, should be authorized to monitor and review the process of granting remissions. They can conduct regular audits of remission decisions and address complaints or objections from prisoners or the public. The results of audits and reviews by oversight bodies should be publicly reported to the public. This ensures accountability and provides transparency into the performance of institutions authorized to grant remission.

Any decisions related to the granting of remission should be publicized openly. This includes decisions on approval or denial of remission, as well as the underlying reasons. Each decision should be accompanied by a clear explanation of the reasons behind it, including the factors considered in making the decision. This helps the public understand the rationality and fairness of each remission decision.

Before making major changes in remission policy, the government should conduct public consultations to hear opinions and input from the community. This ensures that the proposed policy reflects the needs and aspirations of the community. The public should be given the opportunity to provide input and ask questions related to the process of granting remissions. This strengthens community ownership of the process and increases the legitimacy of the decisions taken.

By ensuring that the process and criteria for granting remission are transparent and open to scrutiny by the public and oversight institutions, the remission system can maintain accountability, fairness and public trust in the criminal justice system. It also ensures that decisions are based on objective and impartial considerations.

### **3) Public Participation**

Involve communities and NGOs in the remission policy evaluation process to ensure that decisions reflect the public interest. Communities are key stakeholders in remission policies, as they are directly affected by the decisions made. Involving them in the evaluation process allows their voices to be heard and accommodated in decision-making. NGOs often have in-depth knowledge and experience in criminal justice and human rights issues. Involving NGOs in the evaluation of remission policies ensures that their perspectives on justice and human rights protection are accommodated in the process.

Community and NGO participation in the evaluation of remission policies opens up opportunities for greater public scrutiny of the process. This increases transparency and accountability, as decisions taken must be accountable to the public. Communities and NGOs can help monitor the performance of agencies responsible for remission policies, such as correctional institutions and prosecutors' offices. By providing feedback on policy implementation, they can help identify areas that require improvement or change.

Involving communities and NGOs allows for the provision of more diverse perspectives on remission policy. A range of views from different community groups can help to enrich discussions and ensure that different interests are considered in decision-

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making. By listening to a range of views and opinions, the process of evaluating remission policies can lead to better and more balanced decisions. This helps ensure that remission policies truly reflect the needs and values of society.

By involving the community and NGOs in the evaluation of the remission policy, the policy gains greater support from the community. This increases the legitimacy of the policy and makes it easier to implement effectively. When communities feel that they have access to and influence over the decision-making process, it can reduce distrust of the government and related institutions. This helps build a better relationship between the government and the community.

By involving communities and NGOs in the process of evaluating remission policies, the government can ensure that decisions truly reflect the public interest and strengthen the legitimacy of the policy. This is also an important step in building a more responsive and sustainable criminal justice system.

### **4) Official Accountability**

Officials involved in the process of granting remission should be accountable for their decisions and be prepared to be audited by an independent oversight body.

Officials responsible for granting remission should ensure that their decisions are based on clear and objective criteria, without any discrimination or abuse. This ensures that every prisoner is treated fairly in accordance with the law. Such officials should open their decision-making processes to public inspection and evaluation. This transparency creates public confidence in the integrity of the criminal justice system and the granting of remissions.

Officials involved in granting remission should be prepared to be audited by an independent oversight body. These audits ensure that their decisions are examined objectively and impartially, and that they are held accountable for their actions. Officials should also be prepared to respond to complaints from prisoners or the public in relation to the remission granting process. They should cooperate with oversight agencies to investigate such complaints and take necessary action if violations or abuses are found.

Officials involved in granting remission must adhere to high standards of ethics and integrity. They should avoid conflicts of interest and ensure that their decisions are based on legal and fair considerations, not personal or political motives. If there is a breach of ethics or rules in the process of granting remission, the official must be prepared to be prosecuted in accordance with the law. This creates internal discipline within the criminal justice system and increases public trust in the process.

Officials involved in granting remission should be prepared to conduct regular self-evaluations. They should study best practices and identify areas where decision-making processes can be improved to enhance fairness and effectiveness. Where appropriate, such officials should be willing to support remission policy reforms aimed at improving the integrity and fairness of the criminal justice system. They should be progressive agents of change in improving the system.

By ensuring that officials involved in the process of granting remissions are accountable for their decisions and are prepared to be audited by independent oversight bodies, the criminal justice system can maintain its integrity and ensure that every decision is taken with fairness and the public interest in mind.

### **5) Continuous Monitoring**

Establish an ongoing oversight mechanism to ensure that the remission policy is implemented in accordance with established principles and identify and correct deviations.

The government should consider establishing an independent oversight body specifically responsible for monitoring the implementation of the remission policy. This body should have sufficient authority and resources to carry out its duties effectively. The oversight body should be independent of political influence or other interests. This is important to ensure its credibility in conducting objective and impartial oversight.

The oversight body should develop clear operational guidelines and standards for monitoring the implementation of the remission policy. These guidelines should include audit procedures, performance indicators, and evaluation methods to be used. The guidelines and operational standards should be based on the principles set out in the remission policy, including the principles of fairness, transparency and accountability.

The oversight body should conduct regular audits of institutions responsible for the implementation of the remission policy, such as correctional institutions and prosecutors' offices. These audits should be scheduled and thorough. The audit should include an examination of documents and records related to the granting of remission, including remission applications, submission decisions, and inmate evaluations.

Supervisory institutions should provide a mechanism that allows prisoners or the public to file complaints related to the implementation of the remission policy. These complaints should be taken seriously and investigated carefully. Audit results and findings of irregularities should be reported to the public in an open and transparent manner. This provides an opportunity for the public to know the results of supervision and strengthens the accountability of relevant institutions.

Oversight institutions should take appropriate action on findings discovered during audits. This may include further investigation, administrative sanctions, or recommendations for improvement. Findings discovered during audits should be used as a basis for improving the system for implementing remission policies. The oversight body should work closely with relevant agencies to implement the necessary improvements.

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By establishing an ongoing oversight mechanism, the government can ensure that the remission policy is implemented in accordance with established principles and that deviations can be identified and corrected quickly. This helps maintain the integrity of the criminal justice system and increases public confidence in the remission process.

### 2. Policy Recommendation

Based on the Comparative Study Findings

- a. **Strict Remission Criteria:** Implement stricter and more specific criteria for corruption convicts, including in-depth behavioral evaluations and active participation in rehabilitation programs.
- b. **Process Transparency:** Make the process of granting remissions more transparent by publishing the reasons and basis for granting remissions and involving third parties in the decision-making process.
- c. **Public Oversight:** Establish an independent oversight board consisting of academics, legal practitioners, and community representatives to oversee and assess the process of granting remissions.
- d. **Periodic Evaluation:** Conduct periodic evaluations of the remission policy and implementation to assess effectiveness and identify areas that require improvement.

### 3. Implementation and Evaluation

Implementation Strategy

#### a. Drafting of New Regulations

Revise laws and regulations related to remissions for corruption convicts, incorporating the principles of fairness, transparency and accountability.

Before drafting new regulations, it is necessary to conduct an in-depth analysis of existing remission policies. This includes identifying weaknesses and shortcomings that exist in the applicable laws and regulations, especially those related to the granting of remissions to corruption convicts. The next step is to consult with various relevant parties, including law enforcement agencies, criminal law experts, NGOs, and the general public. Their opinions on expanding the criteria for granting remission to corruption convicts and increasing transparency and accountability in the remission process should be considered. Based on the needs analysis and input from stakeholders, the drafting of a new law or regulation on remission for corruption convicts can be undertaken. The document should include clear criteria for granting remission to corruption convicts, including ethical considerations, the level of harm caused, and the level of compliance with rehabilitation programs. Transparent and accountable mechanisms in the process of granting remission, including application, assessment, and decision-making procedures. Strict sanctions for prisoners involved in corrupt practices in prison. Monitoring and evaluation mechanisms to ensure effective implementation of the new regulation.

The draft law or new regulation should be socialized to the public for further input. Further discussions and deliberations with various relevant parties also need to be conducted to improve and refine the draft. After going through a sufficient consultation and revision process, the new regulation on remission for corruption convicts can be established and implemented. This step must be followed by socialization and training to officers involved in the implementation of this new regulation to ensure proper understanding and application.

#### b. Correctional Officer Training

Provide specialized training to correctional officers and officials involved in the remission process to ensure proper understanding and implementation of the new policy. Before training begins, it is necessary to identify training needs. This includes an understanding of the new regulations on remission for corruption prisoners, skills in assessing the eligibility of prisoners to receive remission, and an understanding of the procedures for applying for and assessing remission. Training materials should be developed based on the new regulations and best practices in granting remission. The materials should also include an emphasis on the principles of fairness, transparency and accountability. Training can be conducted face-to-face or through online platforms, depending on the need and availability of resources. The training can be conducted by criminal law experts, correctional practitioners, or employees who are experienced in the process of granting remission. In addition to the delivery of theoretical material, case studies and simulations can also be conducted to train the ability to assess the eligibility of prisoners to receive remission. This helps correctional officers and officials involved in the process of granting remission to understand and apply the knowledge learned in practical situations. After the training is completed, it is important to conduct an evaluation to determine the effectiveness of the training. This can be done through questionnaires, interviews or group discussions. The results of the evaluation can be used to improve and refine future training programs. As policies and practices in granting remission may change over time, it is important to organize regular follow-up training. This helps to ensure that correctional officers and officials are kept updated with the latest information and continue to improve their skills in implementing new policies.

#### c. Integrated Assessment System

Develop an integrated assessment system that uses information technology to monitor and evaluate inmates' behavior and their rehabilitation progress in real-time.

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The first step was to conduct a needs analysis to understand the system requirements. This involves consulting with correctional officers, officials responsible for granting remission, IT experts, and the inmates themselves. Determining the technical specifications of the system that includes the required features such as inmate behavior monitoring, rehabilitation progress tracking, data integration, and reporting system.

Develop a platform that can be accessed through web and mobile applications to ensure accessibility by various users inside and outside the penitentiary. Build a secure centralized database that can store real-time data on inmates, including behavioral records, participation in rehabilitation programs, and performance evaluations.

Features to record and monitor inmates' daily behavior, including incidents of disciplinary violations or positive achievements. Modules to track inmates' participation and progress in rehabilitation programs, such as skills training, counseling, and educational activities. An assessment tool that allows officers to provide periodic performance appraisals based on predetermined criteria, such as attendance, activeness, and positive behavior. An automated reporting system that can generate performance reports and data analysis for better evaluation and decision-making.

Conduct system trials in several correctional institutions to identify and fix any bugs or problems that may arise before full implementation. Ensure there is an IT team responsible for ongoing system monitoring and maintenance to ensure the system runs smoothly and securely. Conduct periodic evaluations of the system's effectiveness and update features or modules based on user feedback and evolving needs.

By developing an integrated assessment system, correctional institutions can improve transparency, accuracy, and efficiency in monitoring inmates' behavior and rehabilitation progress. The system can also provide more comprehensive and real-time data to support the decision-making process related to granting remission, so that policies can be implemented more fairly and effectively.

### d. Evaluation Mechanism

- 1) **Routine Audit:** Conduct regular audits by independent oversight institutions to ensure that the process of granting remissions is carried out in accordance with established regulations and principles.
- 2) **Public Report:** Publish an annual report containing data and analysis on the granting of remission, including the number of prisoners granted remission, the reasons for granting it, and the results of the evaluation.
- 3) **Feedback from Prisoners and Communities:** Collect feedback from prisoners and the community regarding the remission policy to understand the real impact and improve the policy according to needs and expectations.
- 4) **Academic Research:** Encourage academic research to continue evaluating and developing more effective and fair remission policies based on empirical data and case studies.

The ideal model of remission policy for corruption convicts in Indonesia must be based on the principles of justice, transparency and accountability. With strict recommendations and robust implementation and evaluation mechanisms, it is hoped that remission policies can support the rehabilitation of prisoners, reduce recidivism, and maintain public confidence in the legal system in Indonesia.

## CONCLUSION

The ideal policy model for granting remission to corruption convicts in correctional institutions should pay attention to the principles of justice, transparency, accountability, and prevention of corruption. Some elements that can form an ideal policy model:

**Justice and Proportionality,** The granting of remission must be based on objective considerations, such as the behavior and self-improvement of corruption convicts. The proportion of remissions must be in line with the level of crime committed, without distinguishing between types of crimes, so that no discrimination occurs. **Transparency of Process,** The entire process of granting remission must be transparent and accessible to the public. Information regarding the criteria, procedures, and considerations used in granting remission must be clearly announced. **Community Participation and Involvement,** Involve the community in the process of monitoring and evaluating remission policies. The public can provide input and report discrepancies in the granting of remissions. **Corruption Prevention,** The remission policy must implement strict controls to prevent corruption in the process of granting remission. Establish clear rules and strict sanctions for ethical or legal violations.

**Holistic Approach,** Pay attention to aspects of rehabilitation and resocialization, so that corruption convicts can truly be reintegrated into society with better abilities. **Periodic Evaluation System,** Conduct periodic evaluations of the remission policy to ensure that the goals of rehabilitation and crime prevention are achieved. Periodic reviews can help adjust the policy to social and legal developments. **Internal and External Oversight,** Implement a strong internal oversight system within correctional institutions. Involve external agencies, such as ombudsmen or non-governmental organizations, to oversee and evaluate the granting of remissions. **Involve Independent External Parties,** Involve independent external parties, such as anti-corruption organizations, to ensure the integrity and independence of the remission process. **Public Education,** Make efforts to educate the public about the objectives and principles of remission policies in order to support the rehabilitation process of prisoners. **Responsive to Legal and Social Developments,** Remission policies need to be responsive to legal and social developments that occur in society.



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The ideal model is expected to create a fair, transparent remission system that contributes to efforts to prevent corruption and rehabilitate corruption convicts.

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