

Research Article

Remission for Correctional Inmates: Legal Requirements and Societal Impacts in Cases of Corruption, Terrorism, and Narcotics

Arief Budi Wicaksono^{1*}, Hartoyo², Fathul Hamdani³

¹ Faculty of Law, Universitas Dr. Soetomo, Indonesia, awiekbudi@gmail.com

² Faculty of Law, Universitas Dr. Soetomo, Indonesia

³ Faculty of Law, Universitas Dr. Soetomo, Indonesia

* Corresponding Author: e-mail: awiekbudi@gmail.com

Abstract: Remission constitutes a right granted to inmates who meet specific requirements as a form of recognition for good behavior during imprisonment. This study aims to examine the requirements for granting remission to correctional inmates and analyze the societal impacts when remission is given to convicts of corruption, terrorism, and narcotics offenses. The research employs a normative juridical approach through a literature study. The findings demonstrate that remission possesses a clear legal foundation encompassing both general and specific requirements, particularly for perpetrators of serious crimes. General requirements include serving at least six months of imprisonment, demonstrating good behavior, and actively participating in guidance programs. For special crime perpetrators, additional requirements apply, including becoming justice collaborators, paying fines and compensation, and participating in deradicalization programs. However, granting remission to special crime convicts generates negative impacts on public perception of justice, deterrence effects, and the integrity of law enforcement. The research concludes that a more selective and accountable remission policy supported by public oversight is necessary to align with the objectives of correctional guidance and legal justice.

Keywords: Correctional System; Inmates; Remission; Sentence Reduction; Special Crimes

1. Introduction

The correctional system in Indonesia aims not merely as a means of punishment but also as an effort toward guidance and social reintegration for inmates. This aligns with the spirit of Law Number 22 of 2022 concerning Corrections, which emphasizes the importance of moral, spiritual, and skills guidance for inmates so they can actively participate in society after serving their sentences (Wulandari, 2019). One of the rights granted to inmates in this guidance process is remission, namely the reduction of the imprisonment period for inmates who meet certain requirements (Yusa Darmadi & Purwani, 2019).

Remission functions not only as a form of appreciation for good behavior during the guidance period but also as motivation to continuously improve oneself and comply with applicable regulations in correctional institutions. The granting of remission is regulated in various laws and regulations, including Government Regulation Number 99 of 2012, which tightens the requirements for granting remission to inmates involved in serious crimes such as narcotics and terrorism (Hafizah, 2018). Additional requirements include willingness to cooperate with law enforcement as justice collaborators, payment of fines and compensation, and participation in deradicalization programs for terrorism inmates.

The granting of remission provides significant benefits for both individual inmates and the correctional system as a whole. For inmates, remission can accelerate the social reintegration process and provide hope for a better future. For correctional institutions, remission can help reduce occupancy density and motivate inmates to behave well during their sentences. According to the Directorate General of Corrections data, overcrowding

Received: July 28, 2025;
Revised: September 22, 2025;
Accepted: November 17, 2025;
Published: January 12, 2026;
Curr. Ver.: January 12, 2026



Copyright: © 2025 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY SA) license (<https://creativecommons.org/licenses/by-sa/4.0/>)

remains a significant problem in Indonesian prisons, with occupancy rates exceeding 200% in several institutions (Angkasa et al., 2019). Furthermore, remission can reduce the state budget burden regarding inmate maintenance.

However, in practice, the granting of remission does not always proceed smoothly. Several factors can become obstacles, such as inmates' lack of understanding regarding requirements to be fulfilled, limited officers in conducting guidance, and negative public perception toward remission granting, especially for inmates involved in serious crimes (Enggarsasi & Sumanto, 2015). This research aims to analyze the requirements that must be fulfilled by correctional inmates to obtain remission and the impacts on society if remission is granted to inmates in corruption, terrorism, and narcotics cases.

2. Literature Review

Definition and Legal Basis of Remission

Remission constitutes one of the rights granted to inmates within the correctional system in Indonesia. Etymologically, the term "remission" derives from the Latin word "remittere," meaning "to return" or "to reduce." In the legal context, this term developed into a mechanism for reducing the imprisonment period for inmates as a form of appreciation for their good behavior during sentence serving in correctional institutions (Sulistiyatna, 2021). Generally, remission is defined as a reduction of the imprisonment period granted to inmates and juvenile offenders who have met certain requirements stipulated in laws and regulations.

According to Article 1 paragraph (1) of Presidential Decree Number 174 of 1999 concerning Remission, remission is defined as a reduction of imprisonment period granted to inmates and juvenile offenders who behave well during their sentences, except for those sentenced to death or life imprisonment (Kamseno, 2022). This definition affirms that remission is not an automatically granted right but must meet the requirement of good behavior during imprisonment. Furthermore, Article 1 paragraph (6) of Government Regulation Number 32 of 1999 states that remission is a reduction of the imprisonment period granted to inmates and juvenile offenders who have met requirements determined in laws and regulations (Windah et al., 2020).

The legal foundation for remission includes Law Number 22 of 2022 concerning Corrections (replacing Law Number 12 of 1995), Government Regulation Number 32 of 1999, Government Regulation Number 28 of 2006, Government Regulation Number 99 of 2012, and Minister of Law and Human Rights Regulation Number 3 of 2018. This comprehensive regulatory framework ensures that remission granting is not conducted arbitrarily but as part of the inmate guidance system within a fair and transparent legal framework (Subekti & Sidarta, 2020).

Types of Remission

In practice, remission is classified into several types based on the occasion of granting or underlying reasons. First, General Remission is granted collectively on August 17, coinciding with Indonesian Independence Day, to inmates who have met administrative and substantive requirements and are not currently under disciplinary process or recorded in Register F (problem inmate register). Second, Special Remission is granted in commemoration of religious holidays according to the religion embraced by the inmate, including Eid al-Fitr for Muslims, Christmas for Christians and Catholics, Nyepi for Hindus, Vesak for Buddhists, and Chinese New Year for Confucians (Tangkas et al., 2020).

Third, Additional Remission is granted for extraordinary services such as assisting law enforcement, becoming justice collaborators, making achievements that honor the nation's name, or helping prevent the escape of other inmates or security disturbances in prison. Fourth, Humanitarian Remission is granted based on humanitarian considerations for inmates in weak conditions, seriously ill, elderly (above 70 years), pregnant with high risk, or facing other special situations. This type of remission reflects restorative justice principles and

human rights values in accordance with Article 28I of the 1945 Constitution and Universal Declaration of Human Rights principles (Pratama & Faniyah, 2025).

Obstacles in Remission Implementation

The implementation of remission granting in Indonesia faces various obstacles that can affect effectiveness and justice within the correctional system. Administrative factors include delays due to slow receipt of verdict excerpts from courts at first instance, appeal, and cassation levels, causing administrative processes at correctional institutions to be hampered. Institutional factors and limited human resources also become obstacles, as insufficient guidance and supervision of inmates causes them to be unable to meet various remission requirements (Satrya et al., 2019). Additionally, inadequate facilities and infrastructure, including manual remission calculations, make inmate data management inefficient (Alfons, 2020). Undisciplined inmate behavior recorded in Register F automatically revokes their right to obtain remission. Finally, juridical obstacles arise from unclear or overlapping regulations governing remission, creating different interpretations among correctional institutions and related agencies (Panggalaha et al., 2024).

3. Research Methods

This research employs a normative legal research type, often referred to as doctrinal or library research. The research focuses on the study of applicable legal norms, both written and unwritten, as well as their application in practice. According to Peter Mahmud Marzuki, normative legal research is a process to discover legal rules, legal principles, and legal doctrines to answer the legal issues faced. In this research, law is understood as a set of norms or rules that regulate human behavior in society.

The research approaches employed include the statutory approach and the conceptual approach. The statutory approach is conducted by examining all laws and regulations relevant to the legal issues being handled, including the 1945 Constitution, Law Number 22 of 2022 concerning Corrections, Government Regulation Number 32 of 1999, Government Regulation Number 99 of 2012, and Minister of Law and Human Rights Regulation Number 3 of 2018. The conceptual approach proceeds from views and doctrines developing in legal science to find ideas generating legal definitions, legal concepts, and legal principles relevant to the issues faced.

Primary legal materials include laws and regulations such as the Constitution, Corrections Law, and Government Regulations. Secondary legal materials comprise legal literature, including books, scientific journals, and legal articles. Data analysis is conducted qualitatively through descriptive analysis methods, namely by describing, analyzing, and interpreting data systematically and objectively to obtain comprehensive conclusions regarding the research problems.

4. Results and Discussion

Requirements for Granting Remission to Correctional Inmates

In modern punishment systems, punishment is not only viewed as a form of retaliation or retribution for a crime but also contains elements of guidance and rehabilitation. One form of implementation of this rehabilitative approach is the granting of remission to correctional inmates. Remission is considered a stimulus for inmates to improve themselves during their sentences while simultaneously serving as an indicator of the success of guidance programs conducted within correctional institutions. Remission plays an important role in inmate population management in correctional institutions that often experience overcrowding. Through remission, it is expected that the number of prison occupants can be reduced gradually without ignoring aspects of justice and legal certainty (Sulistiyatna, 2021).

Remission-granting requirements are divided into two major categories: administrative requirements and substantive requirements. Administrative requirements constitute technical

prerequisites that must be fulfilled by inmates, including: court decisions with permanent legal force, having served a minimum of six months of imprisonment continuously, not currently undergoing disciplinary punishment, and being actively registered in the national correctional management information system. Substantive requirements focus more on inmates' attitudes and behaviors during their time in correctional institutions, including good behavior, active participation in guidance programs organized by correctional institutions, and demonstrating remorse and intention not to repeat criminal acts (Kamseno, 2022).

According to Article 34 paragraph (1) of Government Regulation Number 99 of 2012, inmates are entitled to receive remission if they have served more than six months of imprisonment, demonstrated good behavior evidenced by not currently undergoing disciplinary punishment within the last six months, and have participated in guidance programs organized by correctional institutions with good standing. The minimum six-month period is intended for inmates to have sufficient time to participate in guidance programs and demonstrate actual behavioral changes. With this waiting period, correctional officers have adequate time to assess inmate development before proposing remission.

Special Requirements for Extraordinary Crime Perpetrators

For inmates who committed certain crimes, such as corruption, narcotics, and terrorism, remission requirements are more strictly regulated. This refers to Government Regulation Number 99 of 2012, which adds several special requirements. Article 34A paragraph (1) states that inmates convicted of extraordinary crimes can only be granted remission if they meet special requirements. Crimes included in this category include terrorism, narcotics, corruption, crimes against state security, serious human rights violations, and other organized transnational crimes (Windah et al., 2020).

For corruption case inmates, additional requirements include: fully paying compensation and fines imposed by court decisions with permanent legal force, demonstrating remorse for their actions and promising not to repeat the same criminal acts, and being cooperative during sentence serving and active in guidance programs. These provisions are intended to ensure that corrupt inmates not only serve bodily punishment but also provide material accountability to the state. The obligation to pay compensation and fines becomes a concrete form of returning state losses arising from their criminal acts (Pratama & Faniyah, 2025).

Terrorism case inmates can obtain remission if they meet the following requirements: declaring in writing loyalty to the Unitary State of the Republic of Indonesia, declaring they will not repeat their actions, and having participated in deradicalization programs and showing significant ideological change. These requirements show that the state places ideological aspects as an important indicator in granting remission to terrorism perpetrators. The goal is to ensure that inmates have truly abandoned radicalism and no longer endanger state sovereignty and society. The deradicalization process is generally conducted through religious, psychological, and social approaches, in cooperation with the National Counter-Terrorism Agency, religious figures, and academics (Subekti & Sidarta, 2020).

Special requirements for inmates involved in narcotics crimes, especially dealers or drug lords, include: showing a cooperative attitude during sentence serving, never violating discipline, being willing to assist law enforcement in exposing other narcotics cases, such as becoming justice collaborators, and showing awareness to recover and actively participating in rehabilitation programs. The distinction between users, couriers, and drug lords also becomes an important consideration in implementing remission requirements. In practice, narcotics users are generally treated more leniently because they are considered victims who need rehabilitation, while dealers and drug lords are subject to stricter requirements because their crimes have a wider impact on society (Hafizah, 2018).

Special Impacts of Remission for Special Crime Inmates

The granting of remission to inmates in corruption, terrorism, and narcotics cases creates a dilemma in the criminal justice system. On one hand, remission can encourage motivation for good behavior, accelerate social reintegration, and reduce overcrowding in correctional institutions. On the other hand, granting remission to special crime perpetrators can generate negative perceptions in society, reduce the sense of justice, and potentially weaken the deterrent effect. This becomes particularly sensitive given that these three types of crimes are categorized as extraordinary crimes that cause massive losses to the state and society (Enggarsasi & Sumanto, 2015).

The public perception of justice becomes disrupted when perpetrators of extraordinary crimes who have caused massive losses to the state or society receive sentence reductions. This can create the impression that the law is not being firmly enforced against corruptors, terrorists, or drug dealers. Public trust in the legal system becomes eroded when corrupt inmates who have embezzled billions of rupiah in state funds can be released early through remission. Similarly, public concern increases when terrorism inmates with radical ideological backgrounds can obtain significant sentence reductions without certainty that they have truly changed (Angkasa et al., 2019).

Furthermore, the deterrent effect of punishment becomes reduced because potential perpetrators may calculate that even if caught and convicted, they can still obtain remission that shortens their detention period. This becomes particularly problematic for corruption crimes involving state apparatuses that have broad access to legal system manipulation. Potential corruptors may feel that the risk of being caught is not commensurate with the benefits they will gain, especially if they know they can still obtain a sentence reduction through remission. This can weaken corruption prevention and eradication efforts that have been carried out by various parties (Panggalaha et al., 2024).

Additionally, obstacles exist in social rehabilitation implementation and potential political intervention, and social pressure. Some corruption cases involve political elites or officials who have broad networks, raising suspicion that remission granting can be influenced by non-legal factors. The integrity of law enforcement is questioned when remission policies are not implemented transparently and accountably. In several cases, indications emerged that the remission evaluation process was less objective or influenced by discriminatory practices. This reinforces the importance of ensuring that remission granting is conducted professionally, accountably, and fairly (Alfons, 2020).

Policy Recommendations for Effective and Fair Remission

Based on the analysis conducted, several strategic steps are needed to ensure that remission policies remain effective and fair. First, strengthening oversight mechanisms through involving independent parties in the remission evaluation process, including civil society elements, academics, and anti-corruption activists. This oversight aims to ensure that remission is not merely administrative but truly reflects successful guidance. Second, improving the quality of guidance programs, both personality guidance (religious training, counseling, mental training) and independence guidance (job training, agriculture, sewing, and other skills). Active involvement in these activities becomes an indicator that inmates are undergoing a rehabilitation process in accordance with correctional system objectives (Tangkas et al., 2020).

Third, harmonization of regulations to avoid overlapping or legal gaps between various laws governing remission. In practice, different interpretations often occur in remission granting, especially between correctional officers and other law enforcement officers. Therefore, regulatory harmonization and capacity building of the correctional apparatus are needed so that remission implementation can proceed fairly, objectively, and accountably. Integration of electronic systems, such as the Correctional Database System, also becomes an

important part in realizing transparency and efficiency of remission granting (Wulandari, 2019).

Fourth, involving the public in monitoring remission policies to maintain transparency and accountability while enhancing public trust in the criminal justice system. The public needs to understand that remission is not a form of leniency toward criminals but an integral part of the rehabilitative guidance system. Fifth, tightening the evaluation of behavioral changes, especially for extraordinary crime perpetrators, through comprehensive assessments involving psychological experts, religious figures, and related parties. This assessment should not only measure formal compliance with requirements but also measure genuine changes in attitudes, views, and values held by inmates (Satrya et al., 2019).

5. Conclusion

Based on the analysis conducted, two main conclusions can be drawn. First, the requirements for granting remission to correctional inmates are fundamentally regulated in laws and regulations, particularly Law Number 22 of 2022 concerning Corrections, Government Regulation Number 32 of 1999, and Government Regulation Number 99 of 2012. Remission can only be granted to inmates who have served at least six months of imprisonment, demonstrated good behavior, and actively participated in guidance programs. For perpetrators of special crimes such as corruption, terrorism, and narcotics, requirements are more stringent, including obligations to become justice collaborators, pay fines or compensation, declare loyalty to the state (for terrorism), and participate in deradicalization programs. Thus, remission is not an automatic right but rather recognition granted upon fulfillment of administrative and substantive requirements as part of correctional guidance objectives.

Second, the impact of granting remission to corruption, terrorism, and narcotics creates a dilemma in the criminal justice system. While remission can encourage motivation for good behavior, accelerate social reintegration, and reduce overcrowding in correctional institutions, granting remission to special crime perpetrators can generate negative perceptions in society, reduce the sense of justice, and potentially weaken the deterrent effect. Public trust in the legal system can be eroded when extraordinary crime perpetrators who have caused massive losses to the state or society receive sentence reductions. Therefore, remission policies need to be implemented selectively, transparently, and accountably supported by strong public oversight to remain aligned with correctional objectives and maintain public trust in the legal system.

This research recommends several strategic steps: first, the government, through the Ministry of Law and Human Rights strengthen remission-granting mechanisms by ensuring public oversight involving independent parties, civil society elements, academics, and anti-corruption activists. Second, correctional institutions need to improve the quality of moral, spiritual, and skills guidance programs so that inmates receiving remission are truly prepared to return to society. Third, regulatory harmonization is needed to avoid overlapping or legal gaps between various laws governing remission. Fourth, the public needs to be involved in monitoring remission policies to maintain transparency and accountability while enhancing public trust in the criminal justice system. Fifth, evaluation of behavioral changes needs to be tightened, especially for extraordinary crime perpetrators, through comprehensive assessments involving psychological experts, religious figures, and related parties.

Author Contributions: Conceptualization, A.B.W. and H.; Methodology, A.B.W.; Validation, H. and F.H.; Formal Analysis, A.B.W.; Investigation, A.B.W.; Writing – Original Draft, A.B.W.; Writing – Review & Editing, H. and F.H.; Supervision, H. and F.H.

Funding: This research received no external funding.

Data Availability Statement: All data generated or analyzed during this study are included in this published article.

Acknowledgments: The authors would like to express sincere gratitude to the Faculty of Law, Universitas Dr. Soetomo, for support in completing this research.

Conflicts of Interest: The authors declare no conflict of interest.

References

- Alfons, N. Y. I. (2020). Aspek yuridis pemberian remisi terhadap narapidana di masa pandemi. *Batulis Civil Law Review*, 1(1), 24–35. <https://doi.org/10.47268/ballrev.v1i1.422>
- Angkasa, A., Astuti, P., & Arifin, S. (2019). Overcrowding lembaga pemasyarakatan dan pengaruhnya terhadap pembinaan narapidana. *Jurnal Hukum dan Pembangunan*, 49(2), 256–271.
- Enggarsasi, U., & Sumanto, A. (2015). Pemberian remisi terhadap narapidana di lembaga pemasyarakatan. *Perspektif*, 20(2), 128–138. <https://doi.org/10.30742/perspektif.v20i2.136>
- Hafizah, R. (2018). Pemberian remisi di Lapas Klas IIA Banda Aceh ditinjau menurut teori maqāṣid al-syarī‘ah. *Legitimasi: Jurnal Hukum Pidana dan Politik Hukum*, 6(2), 245–262. <https://doi.org/10.22373/legitimasi.v6i2.3959>
- Kamseno, S. (2022). Tinjauan yuridis pemberian remisi bagi narapidana tindak pidana narkoba dan psikotropika ditinjau dari Undang-Undang Nomor 12 Tahun 1995 tentang Pemasyarakatan. *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance*, 2(2), 756–765. <https://doi.org/10.53363/bureau.v2i2.105>
- Marzuki, P. M. (2021). *Penelitian hukum* (Edisi revisi). Kencana Prenada Media Group.
- Panggalaha, A. J., Leo, R. P., & Kian, D. A. (2024). Pelaksanaan dan hambatan dalam pemberian remisi terhadap warga binaan di Lembaga Pemasyarakatan Kelas II A Kupang. *Konstitusi: Jurnal Hukum, Administrasi Publik, dan Ilmu Komunikasi*, 1(4), 198–209. <https://doi.org/10.62383/konstitusi.v1i4.194>
- Pratama, R., & Faniyah, I. (2025). Pemberian remisi terhadap narapidana korupsi dalam perspektif hak asasi manusia. *Ekasakti Legal Science Journal*, 2(2), 100–108. <https://doi.org/10.60034/wxpehc03>
- Satrya, K., Prabawa, B., Mertha, I. K., & Suardana, W. (2019). Faktor-faktor yang menjadi penghambat dalam pemberian remisi terhadap narapidana: Studi kasus di Lembaga Pemasyarakatan Klas IIA Denpasar. *Kertha Wicara: Journal Ilmu Hukum*, 8(5), 1–15.
- Subekti, & Sidarta, D. D. (2020). Penyelesaian kejahatan terhadap kemanusiaan dalam perspektif hak asasi manusia. *Jurnal Pro Hukum*, 9(1), 1–12.
- Sulistiyatna, M. G. A. (2021). Hak remisi dan asimilasi narapidana di Indonesia dalam perspektif hak asasi manusia. *Journal Lex Renaissance*, 6(1), 45–60. <https://doi.org/10.20885/JLR.vol6.iss1.art5>
- Tangkas, I. P. K., Ratna, D., & Hariyanto, S. (2020). Pengaruh pemberian remisi terhadap perubahan mental dan sikap narapidana pada Rumah Tahanan Kelas IIB Jembrana. *Kertha Wicara: Journal Ilmu Hukum*, 9(3), 1–14.
- Windah, A. A., Kesuma, W. S., & Purwani, S. P. M. E. (2020). Pengetatan syarat pemberian remisi bagi narapidana tindak pidana korupsi di Indonesia ditinjau dari perspektif HAM. *Kertha Negara: Journal Ilmu Hukum*, 8(4), 1–15.
- Wulandari, S. (2019). Peran lembaga pemasyarakatan dalam pemberian remisi bagi narapidana. *Spektrum Hukum*, 14(1), 83–99. <https://doi.org/10.35973/sh.v14i1.1103>
- Yusa Darmadi, G. M. A. K. N., & Purwani, S. P. M. E. (2019). Pelaksanaan hak remisi narapidana berdasarkan Undang-Undang Nomor 12 Tahun 1995 tentang Pemasyarakatan: Studi di Lembaga Pemasyarakatan Klas IIA Denpasar. *Kertha Semaya: Journal Ilmu Hukum*, 7(2), 1–15.