



# The granting of sentence remission to corruption offenders in the perspective of human rights

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## ABSTRACT

This study examines the regulation and human rights implications of sentence remission for corruption offenders within Indonesia's legal system. Remission is recognized as a statutory right granted to prisoners who meet established requirements; however, corruption as an extraordinary crime is subject to stricter regulatory conditions. The discussion analyzes the normative framework provided by Law No. 22 of 2022, implementing regulations, and constitutional provisions, particularly Article 28J of the 1945 Constitution, which allows lawful limitations on human rights. The study incorporates human rights theories by Karel Vasak and John Locke to contextualize the philosophical basis for maintaining prisoners' residual rights while recognizing the state's authority to restrict them for legitimate purposes. Findings show that remission embodies both rehabilitative and administrative functions, yet its application to corruption offenders requires careful legal justification to maintain proportionality, safeguard public interest, and uphold human rights principles. The analysis concludes that the regulation of remission must reflect a balanced approach that protects inherent human dignity while supporting the integrity of anti-corruption efforts.

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## 1. INTRODUCTION

A convicted prisoner is an individual who has been found guilty and is serving a sentence of imprisonment for a specified term, for life, or is a death-row inmate awaiting the execution of a legally binding judgment while undergoing rehabilitation within a correctional institution. Prisoners are guided and rehabilitated to improve their moral character through a rehabilitation system widely known as the correctional system, which represents a conceptual shift in the function of punishment from one of pure deterrence to an approach that incorporates rehabilitation and reintegration of Correctional Assisted (Sanyal, 2010). The correctional system constitutes an institutional framework governing the direction, limits, and methods of prisoner development based on the philosophy of Pancasila, implemented through an integrated approach involving correctional officers, the assisted individuals, and the community. This system seeks to enhance prisoners' quality of life so that they may recognize their wrongdoing, reform themselves, avoid recidivism, reintegrate into society, contribute actively to national development, and live appropriately as responsible citizens (Kpurunee & Zeb-Obipi, 2023).

The fundamental principle underpinning the correctional system is the placement of prisoners as subjects who are regarded as full individuals and ordinary citizens, approached not

through a spirit of retribution but through rehabilitation and guidance. The reform of the prison system embodied in the Correctional Law emerged from humanitarian movements that view prisoners as complete human beings who must be socialized, supported further by empirical scientific developments in both the social and natural sciences. While prisoners are placed within correctional institutions, the state continues to guarantee their rights as regulated in Law Number 22 of 2022 concerning Corrections (Gann & Palmer, 2021). Among these rights is the entitlement to sentence remission. Article 10 paragraph (1)(a) of Law Number 22 of 2022 concerning Corrections stipulates that, in addition to the rights provided under Article 9, prisoners who fulfill specified requirements are without exception entitled to remission (Manalu et al., 2025). The right to sentence reduction is a universal norm implemented in various countries, although through differing systems and models. The granting of remission has also drawn the attention of the United Nations, which has issued minimum standard rules through the United Nations Standard Minimum Rules for Non-Custodial Measures, emphasizing the necessity of post-sentencing alternatives intended to prevent institutionalization and accelerate the social reintegration of prisoners (Gane & Mackarel, 1997).

Despite the rehabilitative orientation embedded within the correctional system, the application of remission to corruption offenders exposes a fundamental normative tension between two competing penal objectives. On the one hand, remission represents an essential instrument of rehabilitation, incentivizing behavioral reform and supporting the reintegration of offenders into society. On the other hand, corruption is widely categorized as an extraordinary crime that demands a strong deterrent response due to its systemic nature, its erosion of public trust, and its direct impact on social welfare and state governance. This tension raises a critical legal question regarding whether the rehabilitative rationale of remission can coexist with the demand for enhanced deterrence in corruption crimes. The unresolved interaction between these principles positions remission policy as a contested normative space within contemporary criminal justice discourse.

This remission is granted upon fulfillment of several requirements, namely that the prisoner exhibits good behavior, actively participates in rehabilitation programs, and demonstrates a reduction in risk level. These conditions do not exclude any category of prisoner, including those convicted of corruption. However, an additional requirement applies to corruption offenders under Article 10 of the Regulation of the Minister of Law and Human Rights Number 16 of 2023 concerning the Third Amendment to the Regulation of the Minister of Law and Human Rights Number 3 of 2018 on the Requirements and Procedures for Granting Remission, Assimilation, Family Visit Leave, Parole, Pre-Release Leave, and Conditional Leave (Zulyadi, 2020). This additional requirement mandates that corruption convicts must have fully paid the fines and compensation ordered by the court before they may receive remission.

The enactment of Law Number 22 of 2022 concerning Corrections, together with the issuance of the latest Regulation of the Minister of Law and Human Rights, marks a significant regulatory turning point in the governance of remission policy in Indonesia. These instruments recalibrate the balance between prisoners' rights and state interests by reaffirming remission as a statutory entitlement while simultaneously introducing stricter substantive conditions for corruption offenders. This regulatory evolution reflects a shift from a largely uniform remission framework toward a differentiated approach that responds to the severity and societal impact of specific crimes. As such, the current legal configuration reinforces the urgency of scholarly examination, both to assess its coherence with correctional theory and to evaluate its practical implications for anti-corruption efforts, legal certainty, and human rights protection within the correctional system.

The tightening of remission requirements for corruption offenders has generated significant concern among prisoners and their families. Sentence remission within correctional institutions constitutes an initial step toward achieving the objectives of the correctional system and serves as a motivating factor for prisoners to improve themselves. When a prisoner has fulfilled their obligations appropriately, they are entitled to remission insofar as all requirements have been met. Corruption, categorized as an extraordinary crime that inflicts suffering upon the public, undermines human rights, destabilizes legal certainty and justice, and obstructs democratic development, is often viewed as a crime unworthy of sentence remission when examined through the lens of its

extraordinary nature, notwithstanding that remission constitutes a right granted to every prisoner. The tightening of remission criteria for corruption offenders thus represents a concrete measure to ensure that remission is not granted indiscriminately.

Although the state's constitution protects and guarantees the human rights of every person or individual, the exercise of such rights is not without limitations. A person may freely possess and exercise their rights only insofar as doing so does not infringe upon the rights and freedoms of others (Hart, 2017). Certain human rights may be limited, while others may not. In the context of remission as a prisoner's right, such entitlement may be restricted in accordance with constitutional provisions. The remission rights of corruption convicts may be limited through the imposition of stricter eligibility requirements and regulatory constraints, not through abolition of the remission mechanism itself. Remission may be granted on the basis of clearly defined limitations that corruption offenders must fulfill, given that corruption must be addressed through extraordinary measures, including systemic and structural reforms and bureaucratic improvements designed to close opportunities for corrupt practices. Remission is not an inalienable right; rather, it is a statutory right granted conditionally under specific requirements and procedures. Consequently, the right to remission is inherently limited (Aparna, 2021). Nevertheless, the granting of remission to corruption convicts has generated public debate. Given that corruption constitutes an extraordinary crime with widespread and detrimental effects on the state and the welfare of the Indonesian people, many argue that corruption convicts are undeserving of remission.

In light of these developments, this study addresses the normative and legal implications of remission for corruption offenders by examining how rehabilitation-oriented correctional principles interact with deterrence-driven anti-corruption policies. By situating remission within both statutory regulation and human rights theory, this research seeks to contribute to ongoing debates regarding the legitimacy, limits, and future direction of remission policy in cases involving extraordinary crimes.

## 2. RESEARCH METHOD

This research employs a normative juridical method that focuses on examining sentence remission for corruption offenders through the perspective of human rights and the regulatory framework governing correctional policy in Indonesia. In assessing the suitability of remission policies, this research explicitly incorporates the principles of legal certainty and equality before the law as evaluative benchmarks. Legal certainty is examined through the consistency, clarity, and predictability of remission norms as regulated in Law Number 22 of 2022 and its implementing regulations, particularly regarding differentiated treatment for corruption offenders. Equality before the law is analyzed by evaluating whether the imposition of additional remission requirements for corruption convicts constitutes permissible differentiation based on objective and rational criteria, or whether it risks disproportionate and discriminatory application. Through this approach, remission policy is positioned not merely as a correctional instrument but as a legal mechanism that must conform to constitutional principles and the rule of law. The normative juridical approach is applied to analyze statutory norms, institutional regulations, and international human rights instruments that collectively shape the legal construction of remission as a conditional right. Primary legal materials consist of statutory provisions, including Law Number 22 of 2022 concerning Corrections and related ministerial regulations, while secondary materials include scholarly works, legal commentaries, and academic studies on correctional law, punishment theory, and human rights principles (Braswell et al., 2022). This research is situated at the intersection between doctrinal legal research and normative legal theory. While doctrinal analysis is employed to systematically interpret statutory provisions, judicial decisions, and regulatory coherence, normative legal theory is utilized to assess the justificatory foundations of remission policy in light of human rights values, proportionality, and penal objectives. This combined approach enables the research to move beyond mere exposition of positive law toward a critical evaluation of whether existing remission arrangements for corruption offenders align with foundational legal principles. Accordingly, the study affirms its position as normative legal research with a strong doctrinal basis, aimed at bridging legal interpretation and legal evaluation. The analysis emphasizes the doctrinal interpretation of legal norms, the coherence of regulatory provisions, and the interaction between

domestic and international standards. Through this methodological framework, the research seeks to ensure analytical rigor while maintaining normative relevance in evaluating remission policy for corruption offenders within Indonesia's evolving correctional and human rights landscape.

### **3. RESULTS AND DISCUSSIONS**

#### **Regulation of Sentence Remission for Corruption Offenders from a Legal Perspective**

The regulation of sentence remission for corruption offenders in Indonesia is rooted in the broader legal framework governing the correctional system. Law Number 22 of 2022 concerning Corrections establishes remission as a conditional right granted to prisoners who meet statutory criteria (Desita & Ridwan, 2025). The law identifies remission as a mechanism that supports rehabilitation while maintaining structured oversight by the state. Corruption offenders are included within the scope of prisoners eligible for remission under this law. The eligibility, however, is subject to additional legal requirements tailored to the nature of the offense.

Ministerial regulations function as implementing instruments that clarify and operationalize the statutory provisions on remission. The Regulation of the Minister of Law and Human Rights Number 16 of 2023 sets forth specific procedural and substantive requirements for granting remission. This regulation stipulates that corruption offenders must demonstrate payment of fines and compensation mandated by the court. The payment requirement reflects the legal principle that restitution serves as a necessary component of compliance with the sentence. The regulation also reinforces the role of correctional officers in verifying the fulfillment of these requirements.

The additional financial obligation imposed on corruption offenders is grounded in the legal characterization of corruption as an economic crime. Legislators consider financial restitution integral to addressing the economic harm caused to the state. The remission framework incorporates this rationale by conditioning eligibility on compensation. This structure embeds restorative elements into the correctional process (Arrigo, 2024). The legal framework thereby introduces an economic dimension to the assessment of remission eligibility.

Risk assessment mechanisms are incorporated into the regulatory scheme to ensure that remission is granted only to prisoners who meet safety and behavioral standards (Goodley & Pearson, 2023). The concept of "risk reduction" appears explicitly as a requirement for all prisoners, including corruption offenders. Regulations direct correctional institutions to evaluate behavioral progress through structured instruments. These instruments assess compliance, participation in rehabilitation programs, and levels of institutional adjustment. The inclusion of risk assessment reflects the state's responsibility to maintain public and institutional security.

The legal system also emphasizes the requirement of "good behavior" as an evaluative parameter in remission decisions. This requirement is outlined in both statutory and regulatory sources. Good behavior includes adherence to institutional rules, cooperation with correctional staff, and avoidance of disciplinary violations. These indicators serve as objective legal benchmarks for correctional administrators. The consistent use of these standards indicates the legislator's intent to maintain uniformity in remission practices.

Participation in correctional rehabilitation programs forms another mandatory component of the remission framework. The law defines participation not merely as attendance but as demonstrable engagement with educational, vocational, or moral development activities. Regulations encourage documentation of participation as part of the prisoner's correctional file. This documentation serves as evidence to support remission applications. The approach aligns program participation with legal compliance (Bah, 2025). International standards influence domestic remission regulations, particularly through the United Nations Standard Minimum Rules for Non-Custodial Measures (Gane & Mackarel, 1997). These standards endorse the development of alternatives to prolonged institutionalization. Indonesian regulations integrate these standards by recognizing remission as a tool to support reintegration. The legal framework mirrors international expectations by establishing clear procedural safeguards. These safeguards ensure that remission is administered in accordance with universally accepted correctional principles.

Judicial decisions and jurisprudential interpretations also contribute to shaping the legal contours of remission policy. Courts often examine whether administrative decisions related to remission align with statutory mandates and constitutional protections. Cases involving corruption

offenders sometimes raise questions regarding proportionality and fairness in applying additional requirements. These judicial examinations serve as checks on administrative discretion. The interaction between courts and correctional authorities reflects a dynamic legal environment.

The legal debates on remission for corruption offenders often stem from the crime's classification as an extraordinary offense. This classification influences legislative attitudes toward creating stricter eligibility conditions. Policymakers articulate concerns regarding public confidence in the justice system. These concerns motivate the insertion of additional legal requirements highlighting accountability. The legal treatment of corruption offenders is shaped by these normative considerations. The regulatory framework for remission incorporates administrative oversight to ensure consistent application across correctional institutions. Oversight mechanisms include documentation audits, compliance reviews, and reporting obligations. These mechanisms function to prevent arbitrary or inconsistent decisions. Administrative bodies are required to follow standardized procedures when processing remission applications. The existence of such controls demonstrates the legal system's focus on procedural rigor in remission administration.

From a policy perspective, these findings indicate the need for legislative recalibration of remission regulations for corruption offenders. Policymakers should codify core eligibility indicators, such as good behavior, risk reduction, and restitution, into statutory law rather than relying predominantly on ministerial discretion. Establishing uniform national benchmarks for behavioral assessment and restitution verification would enhance legal certainty and minimize interpretive disparities among correctional institutions. Additionally, integrating digital monitoring and transparent reporting mechanisms into remission administration would reduce opportunities for corruption and administrative abuse. Such prescriptive reforms would align remission policy with the principles of accountability and equality before the law.

Sentence remission constitutes one of the fundamental rights granted to every prisoner within the Indonesian correctional system. Article 10 paragraph (1)(a) of Law No. 22 of 2022 on Corrections affirms that prisoners who meet certain requirements are entitled to remission, alongside other correctional rights such as assimilation, conditional leave, and parole. Although the law guarantees remission as a right, it does not provide detailed procedures for its implementation. Instead, the law delegates technical regulation to existing implementing rules—primarily Government Regulation No. 32 of 1999 and Presidential Decree No. 174 of 1999 on Remission.

These implementing regulations specify that remission may be granted to prisoners who demonstrate good behavior during incarceration. However, the provisions remain general and insufficiently nuanced, especially regarding offenders convicted of extraordinary crimes such as corruption. As a result, the operationalization of remission depends heavily on subsequent ministerial regulations that introduce further classifications and administrative requirements.

Presidential Decree No. 174 of 1999 differentiates remission into two primary categories: a) General Remission, granted annually on Indonesia's Independence Day (17 August); b) Special Remission, granted on major religious holidays for prisoners of each respective faith.

More recent regulatory developments, such as Minister of Law and Human Rights Regulation No. 7 of 2022, further expand these categories by adding Humanitarian Remission, granted under specific conditions (e.g., elderly prisoners or those suffering from long-term illness), and Additional Remission, granted to prisoners who have rendered services to the state or contributed to correctional programs. Significantly, humanitarian remission cannot be granted to offenders convicted of corruption, terrorism, narcotics crimes, grave human rights violations, and other transnational organized crimes (Rodenhäuser, 2018). This exclusion implicitly situates corruption as a non-tolerable offense whose reduction of punishment must be more strictly regulated. The baseline requirements under Law No. 22 of 2022 for obtaining remission include: Demonstrating good behavior, Actively participating in correctional programs, and Showing decreased risk levels. Ministerial Regulation No. 7 of 2022 adds operational criteria, such as not being under disciplinary sanction within the previous six months and not being in the period of pre-release leave (Khan, 2025).

For corruption offenders, an additional condition is imposed: they must fully pay fines and compensation (*uang pengganti*) as mandated by court judgment. This requirement is intended to prevent corruption convicts from receiving sentence reductions without fulfilling their financial

obligations to the state. However, scholars argue that such requirements remain insufficiently stringent, as “good behavior” certificates are easily issued by prison administrators, creating risks of misuse and corruption within correctional institutions.

The leniency embedded in remission policy raises concerns surrounding the integrity of anti-corruption efforts. The relatively simple administrative requirements and the subjective nature of “good behavior” assessments create vulnerabilities for bribery and collusion. Scholars have warned that this regulatory structure enables a “legal mediation system” easily exploited by legal mafias and corrupt officials. In response to concerns regarding excessive leniency, policymakers should consider differentiating remission quotas or timelines for corruption offenders through explicit legislative standards. Remission eligibility could be linked to measurable indicators of restitution completeness, program completion, and sustained behavioral compliance over longer evaluation periods. This approach would preserve the rehabilitative orientation of the correctional system while reinforcing the deterrent function of corruption sentencing. Clear statutory differentiation would also reduce reliance on subjective administrative judgment. Such measures would contribute to restoring public confidence in the integrity of remission policy.

Moreover, remission policies contradict international obligations under the United Nations Convention Against Corruption (UNCAC), particularly Article 37(2), which discourages granting lenient treatment to corruption offenders unless they substantially assist in investigations or prosecutions (Ziouvas, 2018). Excessive use of remission therefore conflicts with Indonesia’s commitment to ensuring proportionate and deterrent penalties. Despite criticisms, remission is traditionally framed as an essential instrument of the Indonesian correctional philosophy, serving the following purposes: Facilitating prisoner adaptation to penitentiary life, Supporting personal transformation and rehabilitation, Reducing overcrowding in prisons, and Decreasing state expenditure. While these objectives align with a modern rehabilitative correctional system, applying them without distinction to corruption offenders may undermine the punitive and deterrent functions necessary for combating systemic corruption.

The ease with which corruption prisoners may access remission has significant social and political consequences. Public perception often views remission for corruption convicts as a state-sponsored reduction of accountability. As remission is repeatedly granted, even to high-profile offenders, public trust in the rule of law and anti-corruption institutions diminishes.

Moreover, excessive leniency risks emboldening potential offenders by signaling that corruption punishment can be mitigated through administrative mechanisms. This contradicts the demand for harsher penalties and stronger deterrence within Indonesia’s broader anti-corruption strategy. However, a significant doctrinal development emerged following the ruling of the Supreme Court in Decision No. 28 P/HUM/2021. The Court clarified that cooperation with law enforcement is no longer a mandatory prerequisite for the granting of remission to corruption offenders. This interpretation repositions cooperation from a coercive requirement to an optional factor within the broader assessment of eligibility. The ruling reflects the judiciary’s emphasis on ensuring that administrative requirements do not exceed the authority granted by statutory law (Rubin, 1989). It also underscores the principle that remission, as a right, cannot be conditioned on obligations not expressly mandated by legislation.

The question of whether remission may be revoked for corruption offenders is addressed through multiple regulatory mechanisms. Remission may be rescinded through the correction of administrative errors, including miscalculations of imprisonment periods or improper application of relevant laws. Correctional authorities additionally possess the discretion to cancel remission proposals when prisoners commit new criminal acts or violate institutional rules. These mechanisms reflect the dual character of remission as a right contingent on continued compliance with correctional standards. They also underscore the state’s interest in ensuring that remission is granted only in circumstances consistent with institutional integrity (Rijadi et al., 2025).

Beyond administrative processes, remission may also be revoked through judicial authority. Indonesian law provides that certain rights, including those granted by the state to convicted individuals, may be withdrawn as an additional penalty in corruption cases. The statutory basis for such revocation is found in provisions authorizing the court to strip offenders of specific rights or privileges. Within this framework, remission is classified as a right bestowed by the

government, and thus eligible for judicial removal as part of an imposed supplementary sanction. This legal construction reinforces the doctrine that remission, though a right, remains vulnerable to judicial intervention when explicitly articulated as part of a corruption sentence.

The availability and revocation of remission in corruption cases ultimately reflect the tension between universal penal rights and heightened expectations for accountability in corruption-related offenses. While the legal system preserves the principle of equality in access to remission, it simultaneously accommodates mechanisms that impose stricter conditions or authorize the removal of remission in response to the severity of corruption crimes. This dynamic reveals an effort to balance two imperatives: the protection of fundamental prisoner rights and the maintenance of public confidence in the integrity of anti-corruption enforcement (Jarju, 2025).

### **Sentence Remission for Corruption Offenders from a Human Rights Perspective**

The human rights perspective on sentence remission for corruption offenders is grounded in the principle that every prisoner retains inherent dignity despite the loss of certain liberties. International human rights law, particularly through the International Covenant on Civil and Political Rights (ICCPR), affirms that restrictions on liberty must remain proportionate and must not undermine the essential humanity of the incarcerated individual. The correctional system adopts this principle by ensuring that remission is available as a conditional right rather than a privilege granted arbitrarily. This framework positions remission as part of the rehabilitative process rather than merely a reward for compliance. The approach reflects a normative commitment to treating prisoners as rights-bearing individuals within a structured legal regime (Parkes, 2007).

Human rights theory, particularly the concept of *derogable and non-derogable rights*, provides an analytical lens for understanding the limitations imposed on corruption offenders seeking remission. Certain rights may be restricted during incarceration, yet prisoners maintain fundamental protections that cannot be suspended under any circumstances. Remission falls within the category of rights that may be limited through lawful and non-discriminatory procedures. The state is permitted to introduce additional requirements when the restriction is justified by legitimate objectives, such as accountability for corruption. This perspective situates the remission framework within the broader doctrine of permissible limitations under human rights law.

The rehabilitation principle represents another key element within human rights theory relevant to remission. International standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), emphasize that imprisonment must serve a rehabilitative function. Remission is designed to encourage behavioral improvement and promote reintegration, aligning the correctional system with these global expectations. Corruption offenders are included within this rehabilitative mandate despite the gravity of their offenses. This inclusion demonstrates the universality of the rehabilitation principle as a human rights obligation. Human rights theory also incorporates the principle of equality before the law, which requires that legal distinctions be based on objective and reasonable grounds. The imposition of additional remission requirements for corruption offenders raises questions about differential treatment. Legislators justify the distinction by referencing the extraordinary nature of corruption and the public interest in ensuring restitution. Human rights analysis evaluates whether such distinctions are proportionate to the aims pursued and grounded in legitimate state interests. The examination focuses on balancing equal treatment with the state's duty to protect societal welfare (McHarg, 1999).

The discourse on remission for corruption offenders intersects directly with the constitutional framework of human rights in Indonesia. Article 28J paragraph (2) of the 1945 Constitution affirms that the exercise of human rights may be restricted by law for the purpose of guaranteeing recognition and respect for the rights and freedoms of others and to satisfy considerations of morality, religious values, security, and public order. This constitutional clause establishes that, while the state protects various rights, it simultaneously retains legitimate authority to impose limitations. These limitations reflect the hierarchy among rights, as some constitutional rights are non-derogable, while others may be reduced or regulated. The right to remission falls within the category of rights that may be limited through statutory provisions, particularly when addressing serious crimes such as corruption.

The human rights analysis underscores the necessity for policymakers to institutionalize proportionality safeguards within remission regulations for corruption offenders. Legal norms should expressly articulate the rationale for differential treatment, ensuring that additional requirements are narrowly tailored and objectively justified. Policymakers are encouraged to embed procedural guarantees, such as reasoned administrative decisions and accessible review mechanisms, to protect against arbitrary denial of remission. These safeguards would operationalize constitutional limitations on rights while preserving human dignity. A rights-based regulatory design would strengthen both compliance with international human rights standards and domestic legitimacy.

The framework of human rights theory articulated by Karel Vasak provides an essential foundation for understanding why remission must still be viewed through a human-rights-based lens. Vasak's conception rests on the principle that human rights are inherent, inalienable, and universal rights attached to every person by virtue of their humanity. Individuals possess these rights not because they are citizens of a state but because they are human beings endowed with dignity. Even in situations where a person has committed grave wrongdoing and faces punitive sanctions, their inherent human rights do not disappear. Their legal status may change, but their moral and philosophical entitlement to rights persists. These principles form the philosophical foundation for ensuring that correctional policies—including remission—respect basic standards of human dignity. Vasak's theory also emphasizes the universal and indivisible nature of rights, meaning that any deprivation of liberty must still operate within a framework that respects equality, justice, and dignity. Imprisonment does not strip individuals of all rights; it merely limits specific liberties consistent with lawful punishment (Vasak et al., 1987). Therefore, the state carries an obligation to implement criminal sanctions in a manner proportional to human dignity, even when dealing with offenders convicted of corruption. The universalist approach reinforces that discriminatory denial of remission could constitute a violation of the equality principle unless justified by legitimate legal reasons grounded in public interest.

The application of human rights principles within correctional regulations demonstrates the presence of state obligations to protect and respect rights even for prisoners. The principle of equality before the law requires that every convict—including those convicted of corruption—must receive equal access to legal rights unless specific laws restrict such rights for clear, objective, and legitimate reasons. The existence of remission as a correctional right, therefore, reflects the state's positive obligation to provide mechanisms that support rehabilitation, reintegration, and proportionality in sentencing. Even corruption offenders maintain this entitlement as long as the conditions stipulated by law are met.

John Locke's natural rights theory further reinforces the philosophical basis for maintaining certain rights for prisoners (Simmons, 1991). Locke argues that human beings, prior to the establishment of state authority, possess equal dignity, individual autonomy, and natural rights, including the right to life, liberty, and property. These rights are inherent and cannot be arbitrarily removed by the state. The creation of government is justified only to protect these natural rights, and legal authority is valid only insofar as it serves the collective agreement to safeguard them. In the context of imprisonment, Locke's theory implies that punishment imposed by the state must not exceed the limits of what is necessary to maintain order and protect society. State regulation of remission therefore must reflect a balance between punishment and respect for residual human rights. Lockean theory also asserts that individuals remain moral agents capable of rational thought and self-governance, even after committing crimes. This philosophical view supports the rehabilitative function of correctional policies, including remission, which aims to encourage positive behavior and facilitate reintegration. Locke maintains that if the state fails to protect or respect the rights of individuals under its jurisdiction, the legitimacy of state power becomes questionable. Therefore, remission policies that are arbitrarily withheld, discriminatory, or inconsistent with legal principles may undermine both the legitimacy of the correctional system and broader state authority.

The theoretical basis for human rights protection is further strengthened by three foundational principles often referenced in contemporary human rights scholarship. The first is the principle of natural law, which views rights as deriving from divine or moral authority and therefore

binding upon the state (Shestack, 2017). This principle aligns with the idea that convicted individuals retain inherent dignity that must be respected. The second is the utilitarian principle, which grounds human rights in shared societal values and collective well-being. From this perspective, remission serves the social function of promoting rehabilitation, reducing prison overcrowding, and encouraging prisoner compliance—objectives that benefit society as a whole. The third is the existential-humanistic principle, which is rooted in human creativity and the evolving nature of moral consciousness. This principle suggests that rights must adapt to contemporary human needs and emphasizes the interconnection between individual and collective rights.

Taken together, these philosophical foundations justify the existence of remission as a human-rights-compatible policy, even for corruption offenders, while still allowing the state to impose restrictions under constitutional and statutory authority. The interconnectedness of individual rights, societal interests, and moral obligations shapes the legal landscape in which remission operates. Although corruption is recognized as a serious offense that threatens public welfare, constitutional and theoretical frameworks require that any restrictions on remission must be legally justified, proportionate, and consistent with human dignity.

The proportionality principle provides an analytical tool frequently used in human rights evaluation. Proportionality assesses whether state restrictions on rights correspond to the severity of the public interest involved (Tsakyrakis, 2009). In the context of remission, the requirement for corruption offenders to pay fines and compensation is examined through its relevance to state recovery of economic loss. The measure must be sufficiently connected to the objectives of accountability and restitution. The proportionality analysis examines whether the restriction is narrowly tailored and avoids imposing undue hardship.

Human rights discourse also gives attention to the right to humane treatment, which obligates the state to ensure that all aspects of imprisonment conform to basic standards of decency (Nilsen, 2007). Remission operates as a component of humane treatment because it allows prisoners to work toward a reduction of their sentence through constructive behaviour. Corruption offenders are expected to engage in rehabilitative programs, and the human rights framework views this engagement as part of the broader effort to respect personal dignity. Administrative processes governing remission must therefore maintain fairness and transparency. This ensures that the treatment of corruption offenders does not deteriorate into punitive excess.

The human rights concept of procedural fairness plays a central role in assessing remission decisions. Procedural fairness requires that prisoners have access to clear criteria, consistent decision-making processes, and opportunities to challenge adverse administrative decisions. The remission system incorporates these elements through documented assessments, statutory deadlines, and administrative review procedures. Corruption offenders may seek procedural safeguards to ensure that additional requirements are applied accurately. The human rights perspective emphasizes the importance of these mechanisms in protecting prisoners from arbitrary or discriminatory decisions. Human rights theory also addresses the concept of reintegration as a fundamental goal of penal policy. Reintegration aims to restore the individual's capacity to function as a productive member of society (Özdem, 2012). Remission contributes to this process by shortening the incarceration period for those who demonstrate meaningful progress. Corruption offenders who complete financial obligations and rehabilitation programs participate in reintegration efforts consistent with human rights principles. The analysis highlights the continuing obligation of the state to facilitate reintegration even in cases involving serious economic crimes. The restriction of remission for corruption offenders must also be viewed in light of the human rights principle of legality. This principle requires that all limitations on rights be grounded in clear, accessible, and predictable legal rules. Ministerial regulations specifying additional conditions for corruption offenders satisfy this requirement by providing objective standards. Human rights analysis examines whether these standards are applied consistently across institutions. The principle of legality ensures that remission is governed by law rather than discretionary or ad hoc decisions.

The human rights perspective encourages examination of how state measures impact the balance between individual rights and collective interests (Freeman, 1995). Corruption affects public welfare, economic development, and social trust, which form legitimate grounds for tailored

legal responses. The remission framework reflects the state's attempt to reconcile these interests with the rights of prisoners. Human rights analysis helps identify whether the balance remains within acceptable normative boundaries. The evaluation contributes to understanding how human rights principles interact with anti-corruption policy within the correctional system.

#### 4. CONCLUSION

The analysis demonstrates that remission for corruption offenders occupies a complex position within Indonesia's legal and human rights framework. Remission remains a correctional right guaranteed by law, yet its implementation is subject to statutory limitations that reflect the state's obligation to balance individual rights with the broader public interest. The legal regulations governing remission for corruption convicts show that the state seeks to maintain proportionality between rehabilitative objectives and the need for strict accountability in combating corruption. Human rights theories, particularly those of Karel Vasak and John Locke, emphasize that individuals retain inherent dignity and inalienable rights even when subject to criminal punishment, thereby supporting the conceptual justification for remission as long as its restrictions are legally grounded and proportionate. At the same time, the state holds legitimate authority to impose tighter conditions for extraordinary crimes. This interplay reveals that remission policies must continually navigate the tension between respecting universal human rights principles and upholding societal demands for justice, integrity, and deterrence in corruption cases. Accordingly, policymakers should reform remission regulations for corruption offenders by establishing clearer statutory benchmarks, standardized assessments, and transparent restitution requirements to ensure legal certainty, proportionality, and equality before the law while preserving the rehabilitative function of the correctional system and strengthening public trust in anti-corruption enforcement.

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