

IMPLEMENTATION OF REMISSION GRANTING TO PRISONERS AT THE PERMISAN NUSA KAMBANGAN PENITENTIARY

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Abstract

Remission is a right granted to prisoners who meet certain requirements while serving their sentences. This study discusses the process of granting remission at Permisan Class IIA Prison in Nusakambangan, which has stricter regulations compared to other prisons. Based on Law Number 22 of 2022 on Corrections, remission must meet administrative and substantive requirements, such as demonstrating good behavior and participating in rehabilitation programs. This study employs a qualitative method with a juridical-normative approach to analyze regulations and the implementation of remission policies at Permisan Prison. The findings indicate that remission at Permisan Prison is more selective due to the high number of inmates convicted of serious crimes. Additionally, transparency in the remission process has been enhanced through digitalized administration, including the use of barcodes and electronic signatures to prevent document manipulation. However, challenges remain, such as controversies over granting remission to serious criminal offenders, necessitating regular evaluations of its implementation. This study concludes that remission is not only a form of reward for inmates but also an instrument to encourage rehabilitation and social reintegration while maintaining fairness for society.

Keywords: Remission, Corrections, Prison Permisan, Rehabilitation, Inmates

Abstrak

Remisi merupakan hak yang diberikan kepada narapidana yang memenuhi persyaratan tertentu selama menjalani masa hukuman di Lapas Kelas IIA Permisan Nusakambangan berdasarkan Undang-Undang Nomor 22 Tahun 2022 tentang Pemasyarakatan. Penelitian ini menggunakan metode kualitatif dengan pendekatan yuridis-normatif. Hasil penelitian menunjukkan bahwa remisi di lapas ini lebih selektif dan transparan, terutama dengan penerapan sistem digital dalam administrasi, seperti penggunaan barcode dan tanda tangan elektronik guna mencegah manipulasi dokumen. Terkait kontroversi pemberian remisi kepada narapidana kasus berat seperti pembunuhan yang menimbulkan perdebatan dalam perspektif hukum Islam. Konsep qishash dalam Islam menegaskan keadilan bagi korban, namun juga memberikan ruang untuk pemaafan (afwu), tebusan/kompensasi (diyat) dan rehabilitasi. Studi ini menyimpulkan bahwa pemberian remisi bukan hanya bentuk penghargaan bagi narapidana, tetapi juga instrumen rehabilitasi dan reintegrasi sosial yang harus tetap memperhatikan aspek keadilan bagi masyarakat serta hak keluarga korban.

Kata Kunci: Remisi, Pemasyarakatan, Lapas Permisan, Rehabilitasi, Narapidana.



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INTRODUCTION

The correctional system is an integral part of the criminal justice system that aims to create a balance between law enforcement and social recovery. Its main goal is to ensure that those who break the law receive appropriate punishment while providing opportunities for rehabilitation and reintegration into society. The correctional system refers to the various policies, procedures, and institutions involved in monitoring, supervising, and supporting the reintegration of prisoners as well as a system that can ease the burden of prisoners in Nusakambangan while serving their criminal sentences, one of the efforts in the correctional system is remission.

Remission is a mechanism in the correctional system that allows prisoners to have their sentences reduced as a reward for good behavior or as part of a broader correctional policy. The main purpose of remission is to encourage good behavior and motivation to participate in rehabilitation programs offered by the correctional institution. By providing incentives in the form of reduced sentences, remission is expected to motivate prisoners in conflict with the law to change and prepare for reintegration into society.¹

The remission process involves evaluating the behavior of prisoners in Permisan Nusakambangan Prison based on certain criteria, such as compliance with rules and regulations, participation in rehabilitation programs, obedience during their detention, and other factors that indicate positive changes in their behavior. Based on this evaluation, prisoners in Permisan Nusakambangan Prison can receive a reduction in their sentence as determined in accordance with applicable correctional policies.²

Based on Law Number 22 of 2022 concerning Corrections in Article 10 letter a, the explanation regarding remission "... is a reduction in the period of serving a sentence given to prisoners who meet the requirements in accordance with the provisions of statutory regulations".³ The conditions for remission given to prisoners are as stated in Article 34 Paragraph (2), which reads: "Remission as referred to in paragraph (1) may be given to prisoners and juvenile prisoners who have fulfilled the following conditions:

- a. *be well behaved; and*
- b. *has served a prison term of more than 6 (six) months".⁴*

As for the terms regarding the time and deadline are calculated before the date of granting the remission, and the prisoners must have followed the coaching program which has been organized by the Prison, which in the program has a good predicate as regulated in Article 34 Paragraph (3). Other definitions have also been mentioned in PermenkumHAM Number 3 of 2018 Article 2 Paragraph (2) regarding the granting of remission must pay attention to mutual benefit, which states that: "The granting

¹ Priyatno, D. (2015). *Sistem Pelaksanaan Pidana Penjara di Indonesia*. Bandung: Refika Aditama.

² Soeskandi, A. D. (2022). *Pemberian Remisi Bagi Pelaku Tindak Pidana Korupsi*. Jurnal Birokrasi: Jurnal Hukum dan Tata Kelola Sosial Politik Indonesia, 23.

³ State Gazette of the Republic of Indonesia Law Number 22 of 2022 concerning Corrections.

⁴ State Gazette of the Republic of Indonesia Government Regulation of the Republic of Indonesia Number 99 of 2012 Concerning the Second Amendment to Government Regulation Number 32 of 1999 Concerning the Conditions and Procedures for the Implementation of the Rights of Correctional Inmates

of remission... must be beneficial for Prisoners and Children and their Families. Continued again in Paragraph (3) which states that: "... is given by considering the interests of security, public order, and a sense of justice in society".⁵

The urgency of implementing remission for prisoners at the Permisan Nusakambangan Penitentiary is very important in the context of corrections that are oriented towards guidance and rehabilitation. Remission is not only a reduction in sentence, but also an indicator of the success of the correctional system in prison. In the modern correctional system, remission is given to prisoners who show positive behavioral changes and are active in the correctional program. Therefore, this study is needed with the location of the Permisan Penitentiary on Nusakambangan Island, this study can also explore the differences in the remission system applied in the prison compared to other prisons in Indonesia, especially related to geographical challenges, supervision systems, and categories of prisoners who are higher risk. With the changes in the Correctional Law Number 12 of 1995, which was amended by Law Number 22 of 2022. The requirements and procedures for implementing the rights of correctional inmates are regulated by Government Regulation Number 99 of 2012. For this reason, this study is important to understand how these regulations are implemented in the Permisan Penitentiary.

RESEARCH METHODS

Research methods used in this study is qualitative research with a juridical-normative legal approach. According to Soerjono Soekanto and Sri Mamudji in their book "Normative Legal Research: A Brief Review", Soerjono Soekanto explains that normative legal research is research conducted by examining library materials or secondary data alone. In addition, Soerjono Soekanto also states that the normative juridical approach is legal research that focuses on examining the application of rules or norms in positive law.⁶

The type of analysis in this study is descriptive, which aims to explain the implementation of remission for prisoners at the Permisan Nusakambangan Penitentiary. In this normative legal research, the main attention is given to the legal data sources used and the approach chosen to analyze legal phenomena related to the granting of remission.

⁵ State Gazette of the Republic of Indonesia Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 03 of 2018 Concerning the Conditions and Procedures for Granting Remission, Assimilation, Visiting Family Leave, Conditional Release, Pre-release Leave, and Conditional Leave.

⁶ Soekanto, S., & Mamudji, S. (2001). *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: Rajawali Pers., hlm. 88.

RESULTS AND DISCUSSION

General Overview of the Nusakambangan Permisan Penitentiary

Permisan Penitentiary (Lapas) is one of several prisons located on Nusakambangan Island, Cilacap, Central Java. This island is known as "*Alcatraz-nya Indonesia*" because it is the location of various high-security prisons that accommodate high-risk prisoners, including perpetrators of serious crimes such as narcotics, terrorism, and premeditated murder. Permisan Prison itself has quite unique characteristics compared to other prisons in Permisan Prison Nusakambangan, both in terms of management, guidance system, and categorization of prisoners who inhabit this prison.⁷

Geographically, Permisan Prison is located in a remote area with very limited access. To reach this location, the journey must be made by sea using a ferry from Sodong Port in Cilacap to Wijayapura Pier, before finally continuing the journey overland to the prison area. This limited access makes Permisan Prison Nusakambangan an ideal place to accommodate high-risk prisoners, considering the chance of escape is very small. The existence of Permisan Prison on this island also supports the maximum security system implemented by the government to supervise and guide the prisoners in it.

Prison Permisan is a medium-sized prison and focuses more on prisoner development compared to several other prisons in Nusakambangan that have super maximum security. However, this prison still has a fairly high level of security and implements various strict procedures in its management. Every prisoner activity is closely monitored by prison officers, and the security system is continuously updated to prevent any violations or actions that could threaten order in the prison.

In Historically, Permisan Prison is one of the oldest prisons in Nusakambangan. The name "Permisan" itself is taken from Permisan Beach which is located around this prison. This beach is famous for its beauty which contrasts with the main function of Nusakambangan as a prison island. Based on historical records, this prison has been used since the Dutch colonial era, when Nusakambangan was used as a place of exile for political prisoners and serious criminals. Until now, Permisan Prison continues to operate with its main function as a place of guidance and correction for prisoners who are categorized as having medium to high risk.

⁷ Alfarizi Nabawi Yusuf dan Aznur Muban Dirgantara, (2024), *Fungsi Dan Peranan Pemasyarakatan Di Dalam Pembinaan Warga Binaan Studi Warga Binaan Nusakambangan*, Nusantara: Jurnal Pendidikan, Seni, Sains dan Sosial Humanioral, Volume 2 Nomor 1, (2024), hlm. 1-25.



Figure 1. Permisan Prison, Nusakambangan

Class IIA Permisan Nusakambangan Penitentiary has an organizational structure designed to ensure effective and efficient operations in carrying out correctional functions. This structure is led by the Head of the Penitentiary (Kalapas) and supported by various structural officials who oversee specific fields.

Organizational Structure of Class IIA Permisan Nusakambangan Penitentiary:

1. Head of Correctional Institution (Kalapas): Dedi Cahyadi, who is responsible for leading and supervising all activities at the prison.
2. Head of the General Administration Sub-Section, is responsible for managing general administration, personnel and finance.
3. Head of Security and Order Section. Responsible for supervising security and order within the prison.
4. Head of Prisoner and Student Development Section. Manages the development program for prisoners and students.
5. Head of Work Activities Section. Supervises and develops work activities for prisoners.
6. Head of Community Guidance and Care Section. Responsible for community guidance and health care services.
7. Head of General Affairs. Manages household affairs, supplies, and other general services.
8. Head of Personnel Affairs. Manages personnel administration and human resource development.
9. Head of Financial Affairs. Manages the prison budget and finances.

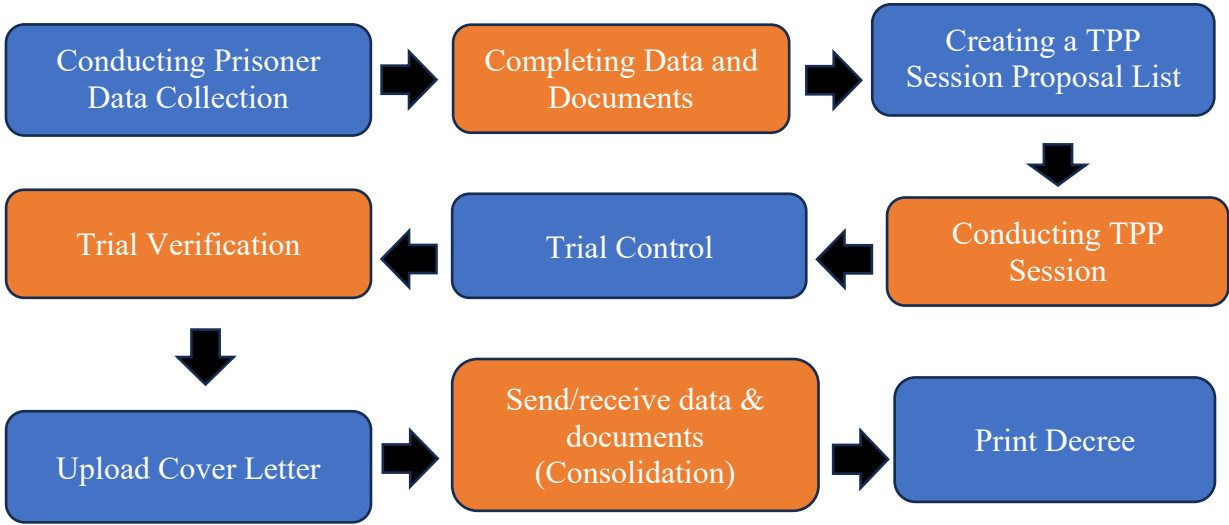
The coaching system at Permisan Prison is more oriented towards rehabilitation and social reintegration. This is in line with the concept of corrections that emphasizes changing the behavior of prisoners so that they can return to society with a better attitude. Based on the researcher's interview with the Head of Class II A Prison, Permisan Prison, Nusakambangan, the coaching program implemented in this prison covers various aspects, ranging from religious education, work skills, to entrepreneurship training. One of the leading programs at Permisan Prison is agricultural and plantation training, where prisoners are taught various farming skills to help them earn a living after completing their sentence.

The security system at Permisan Prison remains a top priority in its management. This prison is equipped with strict supervision, both through monitoring technology and prison officers who are on guard 24 hours a day. Each prisoner is supervised by a strict control system to prevent security disturbances, including smuggling of prohibited goods or attempted escapes. In addition, routine checks are carried out on all activities taking place in the prison to ensure compliance with applicable regulations.

Another uniqueness of Permisan Prison is the environmental conditions and facilities that are more open compared to other prisons in Nusakambangan. Unlike Batu Prison or Kembang Kuning Prison which have super maximum security systems, Permisan Prison is more oriented towards rehabilitation, so that prisoners have wider access to activities outside the cell. However, even though the system is more open, it does not mean that security in this prison is loose. Strict supervision is still carried out to ensure that each development program runs in accordance with the established regulations.

Procedures for Granting Remission at Permisan Prison, Nusakambangan

Permisan Nusakambangan Prison, as one of the correctional institutions with a high level of security, has strict procedures in the Procedure for proposing and granting remissions. Here are the complete stages:



Source:Class IIA Correctional Institution (Lapas)
The Nusakambangan Exit

1. Data Collection and Verification of Proposals

The procedure begins with the registration of prisoners who are eligible for remission. The prison authorities check the prisoner data, including:

- a. Prison period that has been served;
- b. Behavior records during serving a sentence;
- c. Compliance with the coaching program

Prison officers conduct initial verification to ensure that the proposed inmates meet all the requirements set out in the regulations. This data is then verified by the Technical Implementation Unit (UPT) to ensure the accuracy and completeness of the documents.

2. Preparation of TPP Session Proposal List

After the initial verification is complete, the prison will compile a list of proposed prisoners to be submitted to the Correctional Observation Team (TPP) Meeting. The TPP meeting is an evaluation mechanism in which a team consisting of various related elements in the prison assesses the feasibility of granting remission to prisoners.

3. TPP Hearing and Feasibility Assessment

The TPP hearing is a very important forum in determining whether a prisoner is entitled to remission or not. In this hearing, several aspects are assessed, such as:

- a. Compliance of prisoners with prison regulations;
- b. Participation in development programs, such as job skills or religious education;
- c. Level of compliance with prison rules;
- d. Evaluation from coaching officers.

If during the hearing it is discovered that a prisoner has committed a violation, the proposal for remission can be rejected or suspended until behavioral improvements are seen in the following period.

4. Making and Verifying Remission Decree (SK)

After the TPP session approves the granting of remission, the next step is to make a Remission Decree (SK). This SK is made electronically and verified by the prison before being submitted to the Regional Office (Kanwil) of the Ministry of Law and Human Rights to obtain final approval. At this stage, there is a barcode system used to facilitate verification and checking the validity of the SK. This procedure aims to avoid document forgery and ensure that each remission is given in accordance with applicable legal provisions.

5. Electronic Signing of Decrees

The verified SK is then electronically signed by an authorized official. This electronic signing system ensures that the issued document is a valid and legally accountable document.

6. Issuance of Remission Decree and Upload of Cover Letter

After the remission decree is signed, the document is officially issued. Then, a cover letter containing a list of prisoners who received remission is uploaded into the system to be sent to the relevant agencies.

7. Final Verification and Delivery to Regional Office

The final stage is the verification of the trial and sending the SK to the Regional Office of the Ministry of Law and Human Rights. If there are deficiencies or errors in the documents,

the proposal will be returned for correction. If all documents are in accordance, the remission decision will be ratified and announced to the prisoners concerned.

Remission is a reduction in the sentence given to prisoners and prisoners in conflict with the law who meet certain requirements according to laws and regulations. The purpose of granting remission is to encourage prisoners to behave well while serving their sentence and to facilitate their reintegration into society. General Requirements for Remission Recipients:

1. Behave Well:
 - a. Prisoners are not serving disciplinary sentences in the last six months before the date of granting remission;
 - b. Has participated in a coaching program organized by a correctional institution with a good predicate.
2. Criminal Period. Has served a criminal period of more than six months.

These conditions are in accordance with the provisions in Article 5 paragraph (1) of the Regulation of the Minister of Law and Human Rights Number 3 of 2018 concerning the Conditions and Procedures for Granting Remission. Exceptions for prisoners who are not entitled to remission include:

1. Currently on leave before being released.
2. Currently serving a prison sentence or imprisonment in lieu of a fine, replacement money, or restitution.

MatterThis is regulated in Article 34A paragraph (1) of Government Regulation Number 99 of 2012 concerning the Second Amendment to Government Regulation Number 32 of 1999 concerning the Conditions and Procedures for the Implementation of the Rights of Correctional Inmates, namely:

1. General Remission. Given on the commemoration of the Proclamation of Independence of the Republic of Indonesia every August 17.
2. Special Remission. Given on religious holidays adhered to by the prisoner concerned.
3. Humanitarian Remission. Given to prisoners who suffer from long-term illness or are elderly.
4. Additional Remission. Given as an award for the services of prisoners to the state, performing acts that are beneficial to the state or humanity, or assisting in development activities in correctional institutions.

The provisions regarding these types of remission are regulated in Article 3 of the Regulation of the Minister of Law and Human Rights Number 3 of 2018, which reads as follows:

Remission as referred to in Article 2 consists of:⁸

1. General remission, given on the commemoration of the Proclamation of Independence of the Republic of Indonesia on August 17; and
2. Special remission is given on religious holidays that are adhered to by the Prisoner or Child concerned, with the provision that if a religion has more than one religious holiday in a year, then the one chosen is the religious holiday that is most revered by the adherents of the religion concerned.

The procedure for granting remission at Class IIA Permisan Nusakambangan Penitentiary reflects the implementation of the principles of corrections as stated in Law Number 12 of 1995 concerning Corrections. Article 14 paragraph (1) states that one of the rights of prisoners is to receive a reduction in sentence or remission. This right is given not merely as a reduction in sentence, but as a form of state appreciation for prisoners who show positive behavioral changes while serving their sentence. This is in line with the philosophy of corrections which emphasizes rehabilitation and social reintegration, not just punishment.

Based on the results of the researcher's interview with the Head of Class II A Penitentiary, Permisan Penitentiary, Nusakambangan, based on his substantive statement, remission is not a right that is immediately given to every prisoner, but must go through a series of strict assessment processes. Government Regulation Number 32 of 1999 concerning the Requirements and Procedures for the Implementation of the Rights of Prisoners in Article 34 paragraph (1) states that prisoners who meet the administrative and substantive requirements are entitled to remission. Administrative requirements include a minimum detention period of six months since the verdict has permanent legal force, while substantive requirements relate to good behavior during the sentence. This provision emphasizes that remission is not given automatically, but must go through a strict evaluation by correctional officers to ensure that prisoners have truly shown a positive attitude.⁹

The implementation of a digital-based administration system in granting remissions at Permisan Prison also reflects efforts for transparency and accountability. In the stages of making the Remission Decree (SK), the use of the system *barcode* and electronic signatures aim to prevent the practice of misuse or manipulation of documents. This is a concrete step in supporting the principle *good governance* in the correctional system, as mandated in Law Number 25 of 2009 concerning Public Services, which requires every government agency to implement a service system that is transparent, accountable and free from

⁸ See Article 3 of the State Gazette of the Republic of Indonesia Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 03 of 2018 Concerning the Conditions and Procedures for Granting Remission, Assimilation, Visiting Family Leave, Conditional Release, Pre-release Leave, and Conditional Leave

⁹ Results of the researcher's interview with the Head of Class II A Prison, Permisan Prison, Nusakambangan on January 10, 2025 at 10.00 WIB.

corruption.

However, in practice, there are several challenges that need to be considered in granting remission, especially in the case of prisoners associated with serious crimes such as corruption, narcotics, and terrorism. In some cases, granting remission to prisoners with this category of serious crimes often reaps controversy because it is considered not in accordance with the community's sense of justice. Therefore, the government has implemented special regulations, as regulated in PP Number 99 of 2012, which tightens the requirements for granting remission to prisoners of certain crimes. Article 34A of this regulation states that prisoners in corruption, narcotics, and terrorism cases can only receive remission if they are willing to become *justice collaborator* (witness perpetrator who cooperates with law enforcement officers).

Talking about the basis of the calculation, it is based on Government Regulation (PP) on Remission. This regulation is the technical basis for granting remission. Here are some regulations related to remission that have been implemented:

1. PP Number 32 of 1999 concerning the Conditions and Procedures for the Implementation of the Rights of Correctional Institution Residents
 - a. Article 34 Paragraph (1) explains that prisoners who have served 6 months of their sentence are entitled to remission.
 - b. Article 34 Paragraph (2) explains that the amount of remission is determined based on the length of the sentence, as follows:
 - First 6 months: 1 month.
 - Second 12 months: 2 months.
 - And so on it increases.
2. PP Number 99 of 2012 (Replacement for PP 32 of 1999) in this PP strict conditions are imposed, especially for certain crimes (corruption, narcotics, terrorism), however, convicts who commit the crime... *bullying* does not fall into this category. Article 43A stipulates that children will still receive remission if they behave well and participate in the coaching program.

In granting remission to prisoners as perpetrators, there are several basic principles for calculating remissions.

1. General Remission is given on national holidays (e.g. August 17). The amount is as follows:
 - a. 1 month for prisoners serving a sentence of 6-12 months;
 - b. 2 months for a sentence of more than 1 year.
2. Special Remission given on religious days, such as Eid al-Fitr, Christmas, or Nyepi.

Additional Remission given to prisoners who have certain services (for example

achievements or contributing works) can get additional remission of 1/3 to 1/2 of the general remission. The granting of remission to prisoners in Permisan Prison, Nusakambangan, became a hot topic when a death row inmate named Sofyanto received a reduction in his sentence. Sofyanto was sentenced to death for premeditated murder, but through correctional policy. In an interview conducted by researchers with one of the prisoners of Permisan Prison on July 30, 2024 named Sofyanto, *"After being sentenced to death, I tried to introspect and participated in various rehabilitation programs at Permisan Prison. I also applied for clemency to the President. In 2023, my clemency was granted, changing my sentence to life imprisonment. Since then, I have continued to behave well and participate in rehabilitation programs, so I am eligible for remission."*¹⁰

The remission procedure for prisoners is regulated in the Regulation of the Minister of Law and Human Rights Number 3 of 2018 and Government Regulation Number 99 of 2012, which emphasizes that only prisoners with permanent sentences and who meet certain requirements can receive a reduced sentence. In Sofyanto's case, the remission process began with a change in legal status. Initially, he was sentenced to 20 years in prison, but through the pardon and judicial review (PK) mechanism, his sentence was reduced to 15 years in prison. After several years of serving his sentence in Permisan Prison with a good behavior record, he submitted a request for remission which was then approved by the Ministry of Law and Human Rights and reduced to 11 years in prison.

As Sofyanto stated in the interview session, *"I have served more than 10 years of my sentence without any record of disciplinary violations. In addition, he was active in religious and work skills development programs in prison. His behavioral evaluation was positive, so based on the applicable rules, he is eligible for remission."* This statement is in line with the provisions in Article 5 of the Regulation of the Minister of Law and Human Rights Number 3 of 2018, which states that prisoners who behave well during their sentence and participate in a coaching program can receive remission as a form of appreciation for their efforts to improve themselves.

The mechanism for granting remission to Sofyanto follows the procedural flow applicable at Permisan Prison, as stated in the flow diagram of the remission proposal process. The first stage is to register prisoners who have met the administrative and substantive requirements. After that, a trial verification is carried out to ensure that the prisoner in question is eligible to receive remission based on the documents and coaching reports. The next stage is to upload a cover letter to the correctional system to then be sent to the authorities at the Ministry of Law and Human Rights. After the data is verified, the remission decision is determined in a TPP (Correctional Observation Team) trial, which ultimately results

¹⁰ Results of the Researcher's Interview with Sofyanto, a Prisoner at the Class II A Permisan Penitentiary in Nusakambangan

in an official decision letter.

The granting of remission to Sofyanto has sparked debate in society, especially among the families of victims and legal activists who believe that remission to former death row convicts is a form of injustice. Referring to the concept that granting remission to former death row convicts creates a dilemma of justice. On the one hand, this is a basic right recognized by our legal system. However, on the other hand, this could harm the sense of justice for the victim and his family. However, from a legal perspective, this decision cannot be said to violate the regulations. Article 14 paragraph (1) letter i of Law Number 22 of 2022 concerning Corrections states that every prisoner has the right to receive remission if they meet certain requirements. In addition, Government Regulation Number 99 of 2012 tightens the granting of remission for prisoners in certain cases, such as corruption, narcotics, and terrorism, but does not rule out the possibility for them to receive it after meeting additional requirements, including becoming *justice collaborator* or show significant changes in behavior.

Based on Article 10 paragraph (4) of Law Number 22 of 2022 concerning Corrections, it is stated that: "The granting of rights as referred to in paragraph (1) does not apply to prisoners sentenced to life imprisonment and death row." This means that prisoners sentenced to life imprisonment or the death penalty are not entitled to rights such as remission, assimilation, leave to visit or be visited by family, conditional leave, pre-release leave, parole, and other rights in accordance with the provisions of laws and regulations. However, in the case of prisoner Sofyanto who was initially sentenced to death, if the pardon he submitted is granted by the President and his sentence is changed to imprisonment for a certain period, then his sentence status changes. With this change, Sofyanto can meet the requirements for remission, as long as he meets other stipulated requirements, such as being well-behaved and actively participating in the development program.

Analysis of Granting Remission to Prisoners in Permisan Prison, Nusakambangan Based on Islamic Law Perspective

In Indonesia, criminal law does not explicitly apply the concept *Qisas*, but rather refers to the Criminal Code (KUHP) which provides a prison sentence for perpetrators of murder. Therefore, in the national legal system, prisoners involved in murder cases can obtain remission under certain conditions, although in Islamic law, this concept is not directly found. Meanwhile, the Compilation of Islamic Law (KHI) itself does not specifically regulate remission or reduction of sentence for prisoners. KHI focuses more on Islamic family law, such as marriage, inheritance, and endowment. However, the concept of forgiveness (*oh my*) in Islamic law, which can be associated with remission, can be found in the principle *Qisas And moneyas* stated in Article 180 of the KHI which states that "*Heirs have the right to forgive the perpetrator of murder with or without receiving diyat.*" This shows that in Islamic law, there is room for leniency if the injured party grants forgiveness. Although there is no explicit rule on remission in

the KHI, the concept of correctional and pardon can be linked to Islamic values that emphasize justice, humanity, and rehabilitation for perpetrators of crimes.¹¹

The granting of remission to murder convicts in Permisan Prison, Nusakambangan has sparked debate among the public and Islamic law academics. The following is a summary of the researchers' pros and cons of granting remission to murder convicts in Permisan Prison, Nusakambangan, based on an Islamic law perspective:

1. The Concept of Self-Improvement in Islam

Islam teaches that every individual has the opportunity to repent and improve themselves after making a mistake. If a prisoner has shown good moral changes during their sentence, then remission can be given as a form of appreciation for their efforts to improve themselves. In Islam, someone who truly repents can receive forgiveness from Allah SWT, as His word in QS. Az-Zumar: 53: *"Say, 'O My servants who transgress against themselves! Do not despair of Allah's mercy. Indeed, Allah forgives everyone's sins. Indeed, He is the Most Forgiving, the Most Merciful.'"* Thus, if a murder convict truly repents and shows a change in behavior, then remission can be considered a form of appreciation for his efforts to improve himself.

If remission is given to murder convicts without considering the principle of qishash, then this can be considered a form of violation of Islamic legal justice. In QS. Al-Baqarah: 178, Allah says: *"O you who believe, it is obligatory upon you (to carry out) qishash regarding those who are killed..."*. Thus, although self-improvement is important in Islam, the implementation of just punishment remains a top priority so that evil is rewarded appropriately.

2. Implementation of the Principle of Forgiveness and *Diyat*

The victim's family has the right to forgive the perpetrator of the crime. If the victim's family is willing to forgive and accept *money* (ransom), then the punishment *Qisas* can be canceled. Remission given to prisoners who have received forgiveness from the victim's family can be considered in line with this principle. The word of Allah in QS. Al-Baqarah: 178 states: *"...Whoever receives forgiveness from his brother, let the one who forgives him do it in a good way and the one who is forgiven should pay the diyat in a good way...."* However, in the legal system in Indonesia, remission is often given without considering the opinion of the victim's family. This can cause dissatisfaction, because in Islam, forgiveness can only be given by the victim's heirs, not by the state or other parties. If remission is given without the consent of the victim's family, then this can be considered a form of violation of their right to seek justice.

¹¹ Anggraeni Mulyana dan Dini Isnava Tratasukma, *Pengaturan Hak Dan Kewajiban Narapidana Lapas Kelas Iia Permisan Nusakambangan Di Dalam Sistem Peradilan Pidana: Sebuah Kajian Terhadap Implikasi Perubahan Undang-Undang*, Das Sollen: Jurnal Kajian Kontemporer Hukum dan Masyarakat, Volume 2 Nomor 1, (2023), hlm. 1-25

3. Social Functions of Community Development

The granting of remission also aims to help prisoners to return to society as better individuals. In Islam, the concept of rehabilitation and social integration is also part of the recommended teachings. If a prisoner has served most of his sentence and shows positive changes, then giving him the opportunity to return to society can be a form of wisdom that is in line with the Islamic principles of forgiveness and self-improvement. However, there is concern that granting remission to murder prisoners can reduce the deterrent effect for other criminals. If someone who has committed murder gets a reduced sentence, then this can give the impression that the law does not provide a severe enough sanction for the crime. In Islam, strict punishment aims to maintain the stability of society and prevent future crimes, as stated in QS. Al-Ma'idah: 45: *"And We have ordained for them in it (the Torah) that a soul shall be repaid for a soul.."*. Therefore, although remission can be a means of rehabilitation for prisoners, this must be considered very carefully so as not to harm society as a whole.

4. Justice for Victims and Their Families

If the prisoner has served most of his sentence and shows significant behavioral changes, then granting remission can be considered as part of rehabilitative justice. Islam teaches that in some cases, justice is not only in the form of punishment, but can also be in the form of an opportunity for the perpetrator to correct his mistakes. However, for the victim's family, justice must be upheld in accordance with what has been stipulated in Islamic law. If a murderer gets a reduced sentence without the consent of the victim's family, then this can be considered a form of injustice.

5. Social Impact and Public Trust

If remission is given through strict selection and based on a thorough evaluation of the inmate's behavior, then this can be seen as a positive step in the correctional system. The public will see that the law is still running by considering aspects of justice and humanity. Giving remission to murderers can reduce public trust in the legal system. If perpetrators of serious crimes get reduced sentences, then the public may feel that the legal system is not strong enough to provide real justice.

CONCLUSION

Permisan Nusakambangan Prison is a high-security correctional institution that focuses on the development of medium to high-risk prisoners. With a remote location and tight supervision, this prison implements a rehabilitation system through religious education, job skills, and agricultural and plantation programs. A clear organizational structure ensures efficient management, while a modern security system maintains order without compromising the development aspect.

The process of granting remission at Permisan Nusakambangan Prison is carried out through strict stages and is based on a digital system to ensure transparency and accountability. Starting from data collection and verification of prisoner proposals, submission of a list of names in the Correctional Observation Team (TPP) Session, to the creation and verification of the Remission Decree (SK) which is signed electronically. Remission is given as a form of appreciation for prisoners who show positive behavioral changes, in accordance with the principles of corrections that emphasize rehabilitation and social reintegration. Although remission is a right for prisoners who meet the requirements, it is not given automatically, especially for those involved in serious crimes such as murder and corruption, which are subject to stricter regulations based on Law Number 22 of 2022, PP Number 99 of 2012 and Permenkumham Number 13 of 20018. Granting remission to former death row convicts, such as the Sofyanto case, has raised debate between the legal aspect and the public's sense of justice, because although it is legally permitted, there is still a view that this can harm the rights of victims and their families.

Granting remission to murder convicts from an Islamic legal perspective has two sides that must be carefully considered. On the one hand, Islam teaches the principle of forgiveness (*oh my*), rehabilitation, and the opportunity to repent for the perpetrators of the crime. However, on the other hand, Islam also emphasizes justice for the victims and their families, as well as a deterrent effect for society so that the law continues to run firmly. Therefore, if remission is still applied, there must be a strict mechanism to ensure that this does not violate the rights of the victim's family and does not reduce the deterrent effect for perpetrators of serious crimes.

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