

CHAPTER I

INTRODUCTION

A. Introduction

Some corruptors in Indonesia have been granted a remission by the government. In 2010, around 330 corruptors were given remissions and 11 of them were released immediately after their detention period has been reduced.¹ In 2011, the government has also provided remission for 235 corruptors.² In 2013, 182 corruptors were given remission by government.³ In 2014, The Ministry of Justice and Human Rights has also provided remission for 49 corruptors.⁴ In 2015, around 1.938 corruptors have been granted remission by government.⁵

The reason for giving remission that the prisoners have good behavior and never have a bad record while undergoing sentence. Eventhough the law justifies the granting of remission for corruptors, this policy will injure the public's sense of justice. It is because the corruption is harmful for the society. From the point of view of human rights, corruption has been recognized as the violation of social and economic rights of the people. Therefore, corruption should no longer be classified as an ordinary crime, but extraordinary crime.

¹ Ismoko Widjaya, Koruptor Ramai-ramai Mendapat Remisi HUT RI, <http://fokus.vivanews.com/news/read/171571-pesta-remisi-koruptor>, 2010, accessed on 13 September 2015 at 8:27

² Arry Anggadha, Sukirno, 235 Koruptor Terima Remisi Lebaran, 8 Bebas, <http://nasional.vivanews.com/news/read/243826-235-koruptor-terima-remisi-lebaran--8bebas>, 2011, accessed on September 2015 at 8:49

³ Dian Maharani, Kompas.com, 182 Napi Korupsi Dapat Remisi Lebaran, <http://nasional.kompas.com/read/2013/08/08/1559479/182.Napi.Korupsi.Dapat.Remisi.Lebaran>, 2013, accessed on 16 March 2016 at 13:15

⁴ Sabir Lalu, Nurul Adriyana, Dian Ramdhani, 49 Napi Korupsi Diberi Remisi, <http://www.koransindo.com/read/942335/149/49-napi-korupsi-diberi-remisi-1419567170>, 2014, accessed on 13 September 2015 at 10:30

⁵ Ambaranie Nadia Kemala Movanita, Kompas.com, 1.938 Narapidana Kasus Korupsi Dapat Remisi, <http://nasional.kompas.com/read/2015/08/17/08584841/1.938.Narapidana.Kasus.Korupsi.Dapat.Remisi>, 2015, accessed on 3 March 2016 at 13:58

Based on the above legal and social facts, the research will discuss the issue of “Remission for Corruptor and the Challenges of the Corruption Eradication in Indonesia”

Remission is governed in several legislations such as the Correctional Institution Act 1995 (*UU No. 12 Tahun 1995 tentang Lembaga Pemasyarakatan*), Presidential Decree No. 174 of 1999 concerning Remission, Government Regulation No. 99 of 2012 on the Second Amendment of Government Regulation No. 32 of 1999 on the Requirements and Procedures for Implementation of the Prisoner Rights.

The penalty for corruptors commonly tends to be mild at this time, especially due to the granting of remission. One of the interesting cases relating to the granting of remission is Aulia Pohan’s case (former governor of Bank of Indonesia), who has been arrested by the investigators of the Corruption Eradication Commission (*KPK*) on 27 November 2008, and has been sentenced with imprisonment for 4 years and 6 months. Subsequently, the court of appeal reduced the sentence to be 4 years only. Finally, it was reduced again by the Supreme Court to be 3 years, but the Supreme Court also imposed a fine of 200 million rupiahs. In 17 of August 2010, Aulia Pohan was granted remissions for 3 months.⁶

The aim of the imposition of the criminal punishment is for guiding the prisoners to be a better person after rehabilitation. For this purpose, we need sufficient time because the period of that time will be influential. The short time penalty will hinder the achievement of its purpose and it will reduce the deterrent effect of punishment given to corruptor in Indonesia.⁷ Certainly, it is contradictory with the nation’s spirit of corruption eradication.

⁶ BBC Indonesia, Aulia Pohan mulai diadili, http://www.bbc.co.uk/indonesian/news/story/2009/01/090130_auliatrial.shtml, 2009, accessed on 13 June 2015 at 11.32

⁷ Niniek Suprani, *Eksistensi Pidana Denda Dalam Sistem Pidana Dan Pemidanaan*, Jakarta: Sinar Grafika, 1996, p. 45

On the other hands, Yusril Ihza Mahendra as the former Minister of Justice and Human Rights state that this policy of giving remission is constitutional because it has been regulated in the existing law in Indonesia.

Based on the legal and social facts above, the researcher is motivated to do research and write an undergraduate thesis entitled "**Remission for the Corruptor and the Challenges for Corruption Eradication in Indonesia**".

B. Statement of Problem

Based on the above introduction, the problem has been formulated in the following research questions:

1. What is the criminal policy concerning granting of remission for corruptors in Indonesia, from philosophical, sociological, historical and juridical views?
2. What are the challenges of remission in corruption eradication in Indonesia?

C. Objectives of Research

1. To analyze the policy regarding the granting remission for corruptors in Indonesia, from philosophical, sociological, historical and juridical views;
2. To analyze the challenges of the corruption eradication in Indonesia in relating to the policy of granting remission for corruptor.

D. The Benefits of Research

This research is expected to give benefits as follows:

1. Contribute to legal since particularly on the issue of policy of granting remission for corruptors in Indonesia through philosophical, sociological, historical and juridical views;
2. Give purpose to some recommendation to the challenges of corruption eradication in Indonesia because of the policy of granting remission.