Supplementary Remission and the Principle of Equality Before the Law: An Analysis of Juridical and Empirical Obstacles in Granting Remission to Inmates at the Class IIA Binjai Correctional Institution, 2025–2026

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Abstract

Supplementary remission is often regarded as a routine administrative matter, yet every case of supplementary remission means that an inmate receives the right later than other inmates who meet the same requirements. This article traces the juridical and empirical obstacles behind this situation at the Class IIA Binjai Correctional Institution and tests them against the principle of equality before the law. The study uses an empirical juridical method, examining remission regulations and the institution's remission records for eleven occasions in 2025–2026, supplemented by the author's observations as an officer involved in the submission process. The records list 3,807 remission recipients; 92.46% received remission on the remission date, while 287 (7.54%) received it only through supplementary remission. In 2025, supplementary remission accounted for 14.37% of recipients, more than half of it at the Eid al-Fitr occasion; in 2026, the figure fell to 2.24%. Juridical obstacles lie at three points in the norms: the six-month service requirement, deadlines attached to holiday dates, and requirements for documents issued by other agencies. Empirical obstacles lie in the document chain from investigators, courts, and prosecutors to the Correctional Database System, which is prone to data errors and delays, compounded by the workload in an overcrowded institution. A three-step test shows that differentiation based on the length of sentence served is justified, whereas delays caused by document defects have no objective basis and therefore result in unequal treatment.

***Keywords**:* Supplementary Remission; Equal Treatment; Inmate Rights; Document Chain; Binjai Correctional Institution

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Introduction

Every year, ahead of 17 August and religious holidays, correctional institutions throughout Indonesia prepare large numbers of remission proposals. Amid such volume, some inmates do not receive their remission on the same day as their peers but some time later, through supplementary remission. Similar administrative symptoms appear in other correctional studies. At the same institution, risk assessment for conditional rights tends to become an administrative formality and requires inter-agency data integration [1], while at the Langkat Youth Correctional Institution, correctional services are hampered by staff shortages, overcrowding, and limited transparency [2]. At the Class IIA Binjai Correctional Institution, this was the experience of 287 remission recipients in 2025–2026.

Supplementary remission is indeed provided by law as a remedy. Article 27A, inserted through the amendment of Regulation of the Minister of Law and Human Rights (Permenkumham) Number 3 of 2018, allows remission to be proposed after its period has passed if the requirements or documents are fulfilled later [3]. Yet this mechanism also reveals a gap: a right that Article 10 paragraph (1) of Law Number 22 of 2022 declares to apply without exception [4] can in fact be received at different times by people with the same quality of rehabilitation. When the difference does not stem from the inmate's conduct, the issue shifts from administration to equality before the law as guaranteed by Article 27 paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution [5].

The Class IIA Binjai Correctional Institution is worth examining because it operates under occupancy pressure. At the end of October 2025, it housed 1,634 prisoners and 169 detainees, almost twice its capacity of 857 [6]. Research at the same institution has highlighted rehabilitation and health services amid this overcrowding [7], the supervision of remission [8], the legal politics of granting remission [9] and reintegration rights [10], the way officers reason about inmate rights [11], and the role of community counselors in implementing conditional rights [12]. These studies have not used supplementary remission data as an entry point for assessing equal treatment.

This article fills that gap with a single question: what are the juridical and empirical obstacles in granting remission to inmates at the Class IIA Binjai Correctional Institution, and how should these obstacles be assessed under the principle of equality before the law? The discussion is deliberately limited to identifying and assessing the obstacles; the measures to resolve them are addressed in a separate paper.

Literature Review

A. **Equality Before the Law and the Prohibition of Discrimination.** In Dicey's conception of the *rule of law*, every person is subject to the same law and treated equally by it [13]. Asshiddiqie places equality before the law as a core principle of the Indonesian rule of law that rejects all forms of discriminatory treatment [14]. In the correctional field, Rule 2 of the *Nelson Mandela Rules* affirms that rules on the treatment of persons serving sentences must be applied impartially [15]. From these three sources, three test questions can be formulated: whether the differentiation is established by law, whether it is based on objective criteria, and whether it relates to the outcome of the inmate's rehabilitation.

B. **The Legal System as a Tool for Classifying Obstacles.** Friedman divides the legal system into substance, structure, and legal culture [16], while Soekanto details the factors that influence law enforcement, from the law itself to its facilities and officials [17]. This framework is used to distinguish obstacles arising from the wording of norms (juridical obstacles) from those arising in implementation (empirical obstacles). Research on the implementation of Law Number 22 of 2022 shows that structural obstacles, such as overcrowding, staff shortages, and weak inter-agency coordination, remain dominant [18].

C. **Remission as a Right and a Rehabilitation Instrument.** In integrative sentencing theory, punishment not only protects society but also reintegrates the offender [19]. Remission sits within this framework as a reward for good conduct that also encourages self-improvement. A study at the Class III Langkat Youth Correctional Institution likewise treats the optimization of rehabilitation as key to changing inmate behavior [20]. Its value therefore lies not only in the length of the reduction but also in its timeliness: a reward that comes late loses part of its motivating force. Policies on the execution of sentences that concern such rights must be formulated rationally as part of criminal law politics [21], and their enforcement must rest on Pancasila justice [22].

Research Methodology

This study is empirical juridical legal research [23]. Its juridical aspect is examined through a statutory approach to Law Number 22 of 2022, Presidential Decree Number 174 of 1999 [24], and Permenkumham Number 3 of 2018 as amended, together with a conceptual approach to the principle of equality before the law [25]. Its empirical aspect relies on the remission records of the Class IIA Binjai Correctional Institution covering eleven occasions in 2025–2026, namely Chinese New Year, Nyepi, Eid al-Fitr, Vesak, 17 August, and Christmas, as well as the observations of the author, who works on file examination and remission proposals.

The records were processed into several simple measures: the number of recipients, the percentage of recipients granted on time, the percentage of supplementary remission among recipients, and the distribution of supplementary remission by occasion. These measures were then read together with the regulations to classify obstacles as juridical or empirical, and each obstacle was tested against the three equality questions formulated in the literature review [26].

Results

4.1 Overview of Remission and Supplementary Remission, 2025–2026

The records of the Class IIA Binjai Correctional Institution contain three categories for each occasion: inmates whose remission was approved on the remission date, inmates who received it only through supplementary remission, and proposals that were rejected [3]. An annual summary is presented in Table 1.

Table 1. Annual Summary of Remission at the Class IIA Binjai Correctional Institution

Item	2025	2026	2025–2026
Proposals processed	1,664	2,154	3,818
Remission recipients (on time + supplementary)	1,663	2,144	3,807
Granted on the remission date	1,424 (85.63%)	2,096 (97.76%)	3,520 (92.46%)
Granted through supplementary remission	239 (14.37%)	48 (2.24%)	287 (7.54%)
Rejected	1	10	11

Source: Remission Records Of The Class IIA Binjai Correctional Institution 2025–2026

Two points stand out in Table 1. First, in 2025 roughly one in seven remission recipients obtained the right only through supplementary remission. Second, in 2026 the number of recipients rose by 28.92%, yet the proportion of supplementary remission fell sharply to 2.24%. Higher volume therefore did not in itself produce more delays; some aspect of implementation changed between the two years. Meanwhile, rejected proposals increased from 1 to 10. Table 2 shows at which occasions supplementary remission occurred.

Table 2. Distribution of Supplementary Remission by Occasion

Occasion	Supplementary 2025	Supplementary 2026	Total	Share of all supplementary
Eid al-Fitr special remission	138	15	153	53.31%
17 August general remission	88	30	118	41.11%
Christmas special remission	13	–	13	4.53%
Vesak special remission	0	3	3	1.05%
Nyepi and Chinese New Year special remission	0	0	0	0.00%
Total	**239**	**48**	**287**	**100.00%**

Source: Remission Records Of The Class IIA Binjai Correctional Institution 2025–2026.

A total of 94.43% of supplementary remission came from two occasions, Eid al-Fitr and 17 August, which are also the occasions with the most recipients. Over the two years, 9.92% of Eid al-Fitr recipients and 5.56% of general remission recipients received their right through supplementary remission. The Nyepi and Vesak special remissions involved only 2–12 recipients per occasion, and the Chinese New Year special remission had none, so these three occasions have little effect on the overall picture. This concentration on the large occasions is an initial indication that the obstacles are closely tied to the volume of files and the time available to examine them.

4.2 Juridical Obstacles: Three Points in the Remission Norms

A review of the regulations reveals three points in the remission norms that can obstruct or delay remission even when an inmate behaves well. The first is the service requirement. Presidential Decree Number 174 of 1999 grants remission only to inmates who have served more than six months of their sentence [25]. The requirement itself is reasonable, but its calculation depends entirely on the detention date written in the documents. A single date error in the detention warrant can move a person's entitlement to the next occasion.

The second is the deadline attached to holiday dates. Because general and special remission are tied to 17 August and religious holidays, all file examination, Correctional Observer Team (TPP) meetings, and entries into the Correctional Database System (SDP) must be completed within a narrow window. The norms do provide supplementary remission through Article 27A [4], but they do not state that supplementary remission takes effect from the date it should have been granted. As a result, a mechanism intended to restore the right still leaves a gap in time.

The third is dependence on documents issued by others. A remission proposal must include the detention warrant from investigators, the court decision excerpt or copy, and the report on the execution of the decision from the prosecutor's office. The norms place the burden of complete files on the institution's proposal process but impose no obligation or deadline on the issuing agencies to send or correct their documents. This gap is a matter of legal substance in Friedman's sense [17], and it shows that the legal politics behind the implementing regulations has not fully accounted for cross-agency workflows [28].

4.3 Empirical Obstacles: A Fragile Document Chain

In practice, granting remission depends on a document chain involving several parties. Based on the author's observations while involved in remission proposals, the vulnerabilities at each link are summarized in Table 3.

Table 3. Links in the Remission Document Chain and Their Vulnerabilities

Link	Party	Vulnerability observed	Consequence for the inmate
Detention warrant	Investigator	Wrong detention date or identity; document missing from the file	Sentence served miscalculated; proposal delayed
Court decision excerpt/copy	Court	Wrong name, sentence length, or decision number; decision not yet final	Proposal cannot be submitted before the deadline
Report on execution of decision	Prosecutor	Not yet received by the deadline	Diverted to supplementary remission
File examination and TPP meeting	Institution	Large volume of files in a short time	Missing documents discovered too late
SDP data entry	Institution	Wrong remission amount or data entered	Remission correction required

Source: author's observations in the remission proposal process at the Class IIA Binjai Correctional Institution.

Vulnerabilities in the first three links lie outside the institution's control, while the last two lie within the institution and are strongly shaped by working conditions. With occupancy almost twice the capacity [7], the files to be examined before Eid al-Fitr and 17 August far outnumber those of other occasions, which is the pattern reflected in Table 2. This overcrowding is also linked to sentencing policy, particularly toward narcotics users [29], and affects the fulfilment of other inmate rights such as health services [30], [31] and prisoners' rights in general [32]. The quality of examination at the internal links depends on officers' legal reasoning [12] and the active role of correctional officers [33].

The fall in supplementary remission from 239 to 48 in 2026 shows that the document chain can be strengthened. The records do not state what changed, so the explanation still requires further investigation, for example whether files were examined earlier or coordination with the prosecutor's office and courts improved. The records also do not separate the number of remission corrections or the reasons for rejection, so these two vulnerabilities cannot yet be measured. The need for inter-agency data integration was also identified in a study of risk assessment at the same institution [1]. This recording gap is consistent with findings that correctional programs such as assimilation and integration also still face governance obstacles amid overcapacity [34].

4.4 Equality Test of Each Obstacle

Each obstacle was then tested with three questions derived from the principle of equality before the law [14], [15]: whether the differentiation is established by law, whether it rests on objective criteria, and whether it relates to rehabilitation outcomes. A differentiation is considered legitimate only if all three are satisfied. The results are presented in Table 4.

Table 4. Three-Step Equality Test of Obstacles to Granting Remission

Obstacle	Established by law?	Objective criteria?	Related to rehabilitation?	Conclusion
Has not served six months (calculated from correct documents)	Yes	Yes	Yes	Legitimate differentiation
Proposal rejected for failing the good conduct requirement	Yes	Yes	Yes	Legitimate, provided the reasons are recorded and reviewable

Obstacle	Established by law?	Objective criteria?	Related to rehabilitation?	Conclusion
Delayed because the holiday deadline passed	Yes	Yes	No	Unequal in timing
Delayed because other agencies' documents were wrong or late	No	No	No	Unequal
Remission correction due to entry errors	No	No	No	Unequal

Source: author's analysis.

The test draws a clear dividing line. Differentiation based on sentence length and conduct passes all three questions and is therefore consistent with the principle of equality. In contrast, delays caused by document defects and entry errors fail all three: such differentiation is not intended by law, is not based on objective criteria, and has nothing to do with the inmate's conduct. The holiday deadline lies in between, since it is set objectively by law but its effect, namely delay, is unrelated to rehabilitation. From the inmates' perspective, 287 cases of supplementary remission mean 287 instances in which the reward for good conduct arrived later than it did for their peers, weakening remission's force as a rehabilitation instrument [20], [34].

This assessment also confirms that inequality in granting remission at the Class IIA Binjai Correctional Institution stems mainly from implementation rather than from the content of the norms. The phrase "without exception" in Article 10 paragraph (1) of Law Number 22 of 2022 [5] and the principle of impartiality in the *Nelson Mandela Rules* [16] are not fully realized as long as delays unrelated to inmates' conduct persist. The increase in rejected proposals in 2026 also deserves attention, because without openly recorded reasons, rejections cannot be tested against the three questions. Limited transparency of this kind has also been identified as an obstacle to the oversight of correctional services [2].

Conclusion

The remission records of the Class IIA Binjai Correctional Institution for 2025–2026 show that 287 of 3,807 remission recipients (7.54%) obtained their right through supplementary remission, with a share of 14.37% in 2025 that fell to 2.24% in 2026, and more than 94% of these cases occurred at the Eid al-Fitr and 17 August occasions. Juridical obstacles lie in the service requirement calculated from documents, deadlines attached to holiday dates without a provision that supplementary remission applies retroactively, and dependence on other agencies' documents without any time obligation on their issuers. Empirical obstacles lie in the fragile document chain from investigators, courts, and prosecutors to SDP data entry, aggravated by the volume of files in an overcrowded institution. The three-step test shows that differentiation based on sentence length and conduct is consistent with the principle of equality before the law, whereas delays resulting from document defects and entry errors have no objective basis and therefore produce unequal treatment.

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