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Re-examining Amnesty and Abolition Practices in Indonesia: A Normative Evaluation and Framework for Procedural Guidance

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Abstract. The granting of amnesty and abolition in Indonesia is a presidential prerogative under Article 14 of the 1945 Constitution. Its practice has exhibited complex and diverse patterns throughout Indonesia's political history, from the Soekarno era to the Prabowo Subianto administration. It has generated controversy regarding the rule of law, substantive justice, transparency, and the protection of victims' rights. This study aims to analyze the practice of amnesty and abolition from historical and juridical perspectives, evaluate its implications for the principle of the rule of law, and identify potential abuses of presidential discretion. Methods include case studies, comparative juridical analysis, and review of legal documents such as presidential decrees, Article 14 of the 1945 Constitution, court decisions, BPUPKI minutes, and legal literature. The analysis was conducted using historical, normative, and descriptive argumentative approaches. The results show that political considerations often influence the practice of amnesty and abolition, can create a perception of legal uncertainty, and that the DPR plays only a formal role. Patterns of granting amnesties differ by era: political stabilization (Soekarno, Soeharto); political rights rehabilitation (Habibie, Abdurrahman Wahid/Gus Dur); peace integration (SBY); and individual justice and human rights considerations (Jokowi, Prabowo). This research proposes a legal bureaucratic framework to strengthen transparency, accountability, and substantive justice. In conclusion, amnesties and abolitions should be implemented with due regard for justice, transparency, legal certainty, and public oversight to prevent abuse of power and to maintain public trust in the legal system.

Keywords: Amnesty and Abolition, Presidential Prerogative, Rule of Law, Substantive Justice, Transparency and Accountability

Abstrak. *Berdasarkan Pasal 14 Undang Undang Dasar 1945, pemberian amnesti dan abolisi di Indonesia merupakan prerogatif presiden. Praktiknya menunjukkan pola yang kompleks dan beragam sepanjang sejarah politik Indonesia, dari era Soekarno hingga pemerintahan Prabowo Subianto, dan menimbulkan kontroversi terkait prinsip negara hukum, keadilan substantif, transparansi, serta perlindungan hak korban. Penelitian ini bertujuan untuk menganalisis praktik amnesti dan abolisi secara historis dan yuridis, mengevaluasi implikasinya terhadap prinsip rule of law, serta mengidentifikasi potensi penyalahgunaan diskresi presiden. Metode yang digunakan meliputi studi kasus, analisis yuridis komparatif, dan telaah dokumen hukum, termasuk Keputusan Presiden, Pasal 14 UUD 1945, putusan pengadilan, risalah BPUPKI, dan literatur hukum. Analisis dilakukan secara historis, normatif, dan deskriptif argumentatif. Hasil penelitian menunjukkan bahwa praktik amnesti dan abolisi sering dipengaruhi pertimbangan politik, berpotensi menimbulkan persepsi ketidakpastian hukum, dan DPR hanya berperan secara formal. Pola pemberian amnesti berbeda antar era: stabilisasi politik (Soekarno, Soeharto); rehabilitasi hak politik (Habibie, Abdurrahman Wahid/Gus Dur); integrasi perdamaian (SBY); serta keadilan individu dan perlindungan hak asasi manusia (Jokowi, Prabowo). Penelitian ini menawarkan kerangka birokrasi hukum baru untuk memperkuat transparansi, akuntabilitas, dan keadilan substantif. Kesimpulannya, amnesti dan abolisi harus dilaksanakan dengan memperhatikan prinsip keadilan, transparansi, kepastian hukum, dan pengawasan publik guna mencegah penyalahgunaan kewenangan serta menjaga kepercayaan masyarakat terhadap lembaga peradilan.*

Kata Kunci: *Amnesti dan Penghapusan Pemasyarakatan, Hak Prerogatif Presiden, Supremasi Hukum, Keadilan Substantif, Transparansi dan Akuntabilitas*

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INTRODUCTION

Amnesty and abolition are the President's prerogative, as stipulated in Article 14 of the 1945 Constitution.[1] Despite a clear constitutional basis, the practice of granting amnesties and abolitions in Indonesia has shown considerable dynamism and complexity across each leadership period. Indonesia's political history shows that decisions on amnesty and abolition have never been entirely juridical, but have always been intertwined with political, moral, and humanitarian considerations. In various contexts, this prerogative has been used to achieve national reconciliation and post-conflict recovery, or to correct injustices in positive law that fail to reflect the people's sense of substantive justice. The main problem in this practice lies not merely in procedural lacunae or "gaps in regulation," but in the moral and political legitimacy of the use of prerogative power itself. The absence of objective criteria and accountability mechanisms does pose a risk of abuse of power.

However, excessively limiting prerogative through rigid technical regulations can emasculate its constitutional political function as raison d'état, namely, the state's privilege to act outside the bounds of positive law in extraordinary situations.[2] Thus, the problem of amnesty in Indonesia is not only legalistic but also concerns how political power can be exercised ethically and responsibly within the framework of the rule of law. So far, the debate on amnesty has tended to pit politics and law against one another, with politics seen as the source of deviance and law as the corrective. In many cases, such as those involving Baiq Nuril or Saiful Mahdi, the President's political intervention has served as a means of moral healing when positive law fails to uphold substantive justice. Therefore, amnesty needs to be understood not merely as a political act but as an instrument of restorative justice that restores the social balance among the state, perpetrators, and victims.

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[1] Hanip Hidayatulloh and M Reza Saputra, "Juridical Comparison of the Mechanisms of Abolition and Amnesty in the Legal Systems of Russia and Indonesia," *Journal Evidence Of Law* 4, no. 2 (2025): 722–36; Agus Sugiarto, "Juridical Analysis of the Process of Implementation of Crimination Related to Remedies for Clemency," *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)* 4, no. 4 (2021).

[2] Dorota Mokrosinska, "Reclaiming Raison d'état: The Necessity of Executive Secrecy 1," in *State Secrecy and Democracy* (Routledge, 2023), 25–45; Mariella Pittari, *The State of Exception in Private Law*, Università degli Studi di Torino, 2024; Justin Rosenberg, "Secret Origins of the State: The Structural Basis of Raison d'etat," *Review of International Studies* 18, no. 2 (1992): 131–59.

Public and legislative involvement in the process of granting amnesty remains limited, fostering the perception that this prerogative is closed and potentially abused. However, the 1945 Constitution, in Article 14, designates the prerogative as a political right of the executive that is not subject to judicial review, to maintain the supremacy of state decisions in critical circumstances. Therefore, the main challenge is not to remove the prerogative but to ensure that its use is morally legitimate, subject to public accountability, and consistent with the principles of substantive justice. The research departs from the realization that resolving the issue of amnesty and abolition cannot be done solely through procedural reform. A new understanding is needed that regards the President's prerogative as a legal-political instrument with an ethical function, not merely an administrative one. As such, this research seeks to reconstruct an understanding of prerogative within the framework of the relationship between political power and the principle of the rule of law, to find an ideal model for granting amnesty and abolition that is not only constitutionally valid but also substantively just and morally dignified.

The research analyzes the practice of amnesties and abolitions in Indonesia from a historical and legal perspective, focusing on their alignment with the principles of the rule of law, particularly justice, legal certainty, and transparency. The research examines the constitutional and legal framework governing amnesty and abolition, particularly Article 14 of the 1945 Constitution. It evaluates how these norms have been applied in practice across different presidential eras. In doing so, the research identifies potential gaps between constitutional provisions and their implementation and critically assesses the exercise of presidential discretion within the confines of the law. The research was conducted through a normative doctrinal approach, relying on legal texts, court decisions, and official documents, without attempting to measure public perceptions empirically. The research contributes to a deeper understanding of the legal and historical patterns of amnesties and abolitions in Indonesia. It provides normative insights to strengthen accountability, transparency, and adherence to the rule of law in the exercise of executive discretion.

The research scope is limited to amnesty and abolition practices in Indonesia from the era of President Soekarno to President Prabowo Subianto (until 2025). The research focuses on presidential policies on amnesty and abolition, including cases involving political offenses, the ITE Law, and separatist movements such as GAM, DI/TII, PRRI/Permesta, RMS, and FRETILIN, and excludes other legal policies that are not directly relevant. Primary data sources were official documents, including Presidential Decrees (Keppres), DPR records, court decisions, BPUPKI minutes, and legal literature. Therefore, the analysis of public perceptions was conducted qualitatively through documentation and media cases rather than through empirical surveys.

The research emphasizes historical, juridical, and constitutional-political interpretations, without examining in depth the economic, social, or psychological dimensions of amnesty implementation. The research examined the interaction between amnesties and abolitions with the principles of the rule of law, procedural justice, transparency, and public perception of the judiciary's functioning, without analyzing unrelated court cases. The methodology included normative case analysis, document review, and comparative juridical analysis, but did not involve field research, surveys, or structured interviews. Legally, the research discusses the limited regulation of amnesty and abolition under Article 14 of the 1945 Constitution, without proposing detailed constitutional reforms. Geographically, the research was limited to the national level in Indonesia and did not undertake in-depth comparisons with practices in other countries.

The research proposes a layered procedural model, including initiation, independent verification, public participation, parliamentary consideration, and periodic evaluation, as a normative and technical framework to strengthen transparency and accountability in future policies. The research hypothesis states that although amnesty and abolition are constitutionally recognized prerogatives of the President, the absence of adequate transparency and oversight mechanisms can undermine the principle of due process of law. The varying patterns of granting amnesties and abolitions across leadership eras, from Soekarno, Soeharto, Reformasi, SBY, Jokowi,

to Prabowo, show the dominance of political factors and national stability over legal considerations. This variation has led to the perception that judicial power is often politically instrumentalized. The lack of clarity regarding the objective standards in Article 14 of the 1945 Constitution renders the President's prerogative vulnerable to subjective interpretation and may erode judicial legitimacy and public trust.

However, the President's prerogative is political and not entirely subject to objective legal logic. In this context, politicization does not necessarily imply abuse; it is part of the executive's political responsibility. Amnesties and abolitions are intended as symbolic, unilateral state actions, not public policies that require broad participation. Therefore, the absence of judicial oversight does not constitute a constitutional defect, as control remains in the political realm through the DPR and public accountability. Efforts to strengthen transparency and accountability should not turn prerogatives into a rigid bureaucratic process; rather, they should emphasize the President's integrity, political ethics, and personal accountability. Previous studies have examined amnesties and abolitions from the perspectives of restorative justice, political reconciliation, and institutional history, but have not comprehensively integrated historical, juridical, and procedural analysis.[3] Therefore, this research conducts a historical-juridical study of the practice of amnesties and abolitions across all eras of Indonesian leadership by combining legal sources, presidential decrees, and contextual interpretations of policy shifts. This approach seeks to reaffirm the principle of the rule of law by analyzing the tension between the President's prerogative and the objective standards set out in Article 14 of the 1945 Constitution.

The research integrates historical, juridical, and procedural perspectives within a single analytical framework to examine the dynamics of presidential amnesties and abolitions in Indonesia. Rather than simply juxtaposing approaches, the research

[3] Ahmad Syahril Yunus, *Restorative Justice Di Indonesia* (Guepedia, 2021); Andi Agung Mallongi, Ryan Ramdani, and Yoga Saputra, "TINJAUAN YURIDIS KEWENANGAN PRESIDEN DALAM PEMBERIAN AMNESTI DAN IMPLIKASINYA TERHADAP PEMENUHAN HAK ASASI MANUSIA," *WICARANA* 4, no. 2 (2025): 87–100; Okky Surya Yuwita, *POLITIK HUKUM OLEH KEPOLISIAN DALAM MEWUJUDKAN KEADILAN RESTORATIF PADA PROSES PENYIDIKAN PIDANA*, Universitas Islam Sultan Agung Semarang, 2024; Gilang Gemilang and Ismaidar Ismaidar, "Politik Hukum Restorative Justice Dalam Pembaharuan Hukum Pidana Di Indonesia," *Innovative: Journal of Social Science Research* 4, no. 1 (2024): 7370–82; Hani Irhamdessetya, *Rekonstruksi Regulasi Perlindungan Saksi Dan Korban Dalam Perspektif Sistem Peradilan Pidana Berbasis Nilai Keadilan Restoratif*, Universitas Islam Sultan Agung (Indonesia), 2024.

systematically links historical context with juridical interpretation and procedural evaluation to construct a coherent normative analysis. The research contributes a synthesized understanding that has not been systematically developed in prior studies, particularly in linking legal doctrine to the evolution of executive discretion. Although this research remains within the realm of normative legal analysis, it provides conceptual recommendations to improve the transparency and accountability of the presidential clemency mechanism. Therefore, the findings can serve as a conceptual reference for formulating technical regulations and improving legal policies related to amnesty and abolition. As such, this study offers a refined normative synthesis that enriches existing scholarship and supports the long-term development of legal reform consistent with the principles of the rule of law and good governance.

METHODOLOGY

The research employs normative legal analysis to examine the practice of granting amnesties and abolitions in Indonesia from a constitutional perspective and in light of the principles of the rule of law.[4] The research uses three main approaches, namely a statutory approach, focusing not only on Article 14 of the 1945 Constitution but also on relevant laws and ratified international conventions to assess the legal basis of presidential prerogative; a conceptual approach, which analyzes fundamental ideas such as presidential prerogative, due process, and equality before the law, underpinned by relevant theoretical frameworks to provide depth of analysis; and a case approach, which critically examines the concrete practice of granting amnesties and abolitions, with explicit evaluative criteria to assess legality, procedural compliance, and normative legitimacy.[5] The integration of these approaches is

[4] Achmad Irwan Hamzani et al., "Legal Research Method: Theoretical and Implementative Review," *International Journal of Membrane Science and Technology* 10, no. 2 (2023): 3610–19; Patrick Lenta, "Amnesties, Transitional Justice and the Rule of Law," *Hague Journal on the Rule of Law* 15, no. 3 (2023): 441–69; Moh Mujibur Rohman et al., "Methodological Reasoning Finds Law Using Normative Studies (Theory, Approach and Analysis of Legal Materials)," *MAQASIDI: Jurnal Syariah Dan Hukum*, 2024, 204–21.

[5] Eddy Purnama and Faisal Akbar Nasution, "The Shifting of the President Prerogative Powers in the Presidential System Post Amendment to the UUD 1945 in Indonesia," *Journal of Law and Sustainable Development* 11, no. 11 (2023): e1793–e1793; Lenta, "Amnesties, Transitional Justice and the Rule of Law"; Zsolt Szabó, "Judicial Control of Parliamentary Procedure: Theoretical Framework Analyses," *Const. Rev.* 9 (2023): 1.

designed to move beyond descriptive analysis, ensuring a systematic evaluation of legal norms and their application in political and administrative contexts.

The data sources in this research include primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution, minutes of BPUPKI sessions, court decisions, and Presidential Decrees directly related to amnesty and abolition. Secondary legal materials include constitutional law literature, legal journals, expert opinions, and official DPR documents concerning the consideration of granting amnesties and abolitions. Tertiary legal materials include legal dictionaries, legal encyclopedias, and other supporting sources. Data collection is conducted through a literature review, which includes searches of legal documents, state archives, and relevant academic literature.

During the Soekarno era, Presidential Decree 303 of 1959 and Presidential Decree 449 of 1961 granted amnesty and abolition to participants in the DI/TII, PRRI/Permesta, and RMS rebellions, as well as to figures such as Kartosuwirjo and Daud Bereueh, to strengthen national unity.[6] The Soeharto era continued this tradition with Presidential Decree 63 of 1977 for FRETILIN followers in East Timor as an effort to integrate the new territory, while the reform era under Habibie and Gus Dur focused on rehabilitating political activists and political prisoners in Papua through Presidential Decrees 80, 123, 159, 91, and 93.[7] Megawati did not implement a formal amnesty or abolition, despite plans under Soeharto. SBY emphasized peace in Aceh through a statute. Presidential Decree 22/2005 granted humanitarian clemency to several individuals.[8] In the Jokowi era, amnesties were granted in humanitarian and ITE Law cases, such as Baiq Nuril and Saiful Mahdi, and in dialogic approaches to ex-armed

[6] Ahmad Ahmad, "Purifikasi Pemberian Amnesti Dan Abolisi: Suatu Ikhtiar Penyempurnaan Undang Undang Dasar 1945," *Ius Civile: Refleksi Penegakan Hukum Dan Keadilan* 5, no. 2 (2021); Kiki Kristanto et al., *Sinergitas TNI-Polri Menangani Terorisme Di Indonesia* (PT. Sonpedia Publishing Indonesia, 2025); Willy Wibowo, "Kebijakan Pemberian Amnesti Bagi Pelaku Tindak Pidana Non Politik Di Era Presiden Joko Widodo: Policy Of Granting Amnesty For Non Political Criminal Action In The Era Of The President Joko Widodo," 1 (2022): 7–15.

[7] Jacob J Herin, *Siapa Yang Bertanggung Jawab Atas Semua Peristiwa HAM Di Timor Timur?-Jejak Pustaka* (Jejak Pustaka, 2023); Hastutining Dyah Wijayatmi, *Hubungan Bilateral RI-Timor Timur Pasca Kemerdekaan Timor Timur*, UNS (Sebelas Maret University), 2004; Azza Zulfaqaar, "Studi Riwayat Demokrasi Pasca Reformasi," *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humaniora* 2, no. 01 (2024).

[8] Suyogi Imam Fauzi, "Politik Hukum Pemberian Grasi, Amnesti Dan Abolisisebagai Konsekuensi Logis Hak Prerogatif," *Jurnal Hukum & Pembangunan* 51, no. 3 (2021): 621–36; Fauzi; Rico Novianto, "Regulatory Implementation in Aceh Special Autonomy Era by Local Government," *Nitiparitat Journal* 4, no. 2 (2024): 45–56.

groups, such as Din Minimi.[9] Under President Prabowo, until 2025, the DPR approved amnesties and abolitions for more than 1,000 individuals, including Hasto Kristiyanto and Tom Lembong, marking the largest amnesty/abolition in Indonesia's modern history, with a focus on political reconciliation and the resolution of legal cases.[10]

Table 1. Chronology of Amnesties and Abolitions in Indonesia (Soekarno–Prabowo)

Presidential Era	Year / Presidential Decree	Type	Target / Context	Normative & Procedural Notes
Soekarno	1959 – Keppres No. 303	Amnesti	DI/TII participant Kahar Muzakar (South Sulawesi)	Under "Guided Democracy," no DPR oversight; aimed at reintegration of rebels
	1961 – Keppres No. 449	Amnesti	PRRI/Permesta, DI/TII, RMS, Daud Bereueh	Presidential prerogative; political consolidation, limited procedural transparency
	1977 – Keppres No. 63	Amnesti	FRETILIN followers (East Timor)	Intended for integration; minimal legal review; limited rule of law mechanisms
Habibie	1998 – Keppres 80 & 123	Amnesti / Pardon	Papuan opposition figures & political prisoners	Post-reformasi; limited DPR involvement; focus on political rehabilitation

[9] EMK Alidar, *Progresifitas Pemberian Amnesti Di Indonesia: Studi Pemberian Amnesti Kepada Baiq Nuril Maknun*, LP2M UIN Ar-Raniry Banda Aceh, 2023; Mizaj Iskandar, *Progresifitas Pemberian Amnesti Di Indonesia (Studi Pemberian Amnesti Kepada Baiq Nuril Maknun)*, Universitas Islam Negeri Ar-Raniry Banda Aceh, 2023; M Hafizh Nabiyyin and Stivani Ismawira Sinambela, "Peran Amnesty International Pada Pembatasan Kebebasan Berekspresi Human Rights Defender Di Indonesia: Studi Kasus Veronica Koman," *Papua Journal of Diplomacy and International Relations* 3, no. 1 (2023): 1–18.

[10] Agus Awaludin et al., "Realitas Dan Idealitas Dalam Penegakan Hukum Di Era Kegundahan Politik," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, no. 4 (2025): 4212–20; Siti Hidayah and Aris Setyo Nugroho, "Pemberian Amnesti Dan Abolisi Dalam Tindak Pidana Korupsi: Tinjauan Hukum Dan Analisis Keadilan Prosedural," *Indonesian Journal of Law and Justice* 2, no. 1 (2025): 13–20; Aksah Kasim and Andi Heridah, "Urgensi Pembentukan Undang-Undang Amnesti Dan Abolisi: Mengatasi Kekosongan Hukum Dan Kepastian Dalam Sistem Ketatanegaraan," *Innovative: Journal Of Social Science Research* 5, no. 4 (2025): 11597–607.

Gus Dur	1999 – Keppres 159; 2000 – Keppres 91 & 93	Amnesti / Pardon	Pro-democracy activists	Transitional justice; procedural transparency improving; human rights considerations applied
Megawati	2001–2004	–	Not realized	Absence of amnesty reflects constitutional restraint; deliberate choice not to exercise prerogative
SBY	2005 – Keppres No. 22	Amnesti	Former GAM combatants (Aceh)	Political negotiation (Helsinki Agreement); DPR consulted; formalized in law; case-specific procedural mechanisms
	2005–2014	Individual pardons	Various political / humanitarian cases	Case-based, legal procedures observed; transparency variable
Jokowi	2019–2021	Pardon / Conditional Amnesty	Baiq Nuril, Saiful Mahdi	Humanitarian focus; due process observed; dialogical approach applied
Prabowo	2025 – forecast	Amnesty / Abolition	~1,116 people (Hasto Kristiyanto, Tom Lembong et al.)	Prospective scenario; legal instruments not yet verified; included for projection only

Table 1 presents the chronology of amnesties and abolitions in Indonesia, clearly distinguishing between amnesties, granted after a court verdict, and abolitions, which halt the process before the verdict becomes final, thereby reducing conceptual confusion. Each era is analyzed in its constitutional and political context; Soekarno and Soeharto tended to use amnesty as a political tool with minimal procedural oversight, whereas post-reform presidents such as Habibie, Gus Dur, SBY, and Jokowi implemented mechanisms with stricter legal oversight and attention to due process. Normative indicators such as DPR involvement, rule-of-law principles, and transparency provide an analytical dimension. At the same time, the absence of amnesties during Megawati's term suggests constitutional restraint and ethical considerations in the use of presidential prerogatives.

Data analysis in the research is descriptive, normative-critical, and argumentative. The descriptive analysis maps the norms governing the President's authority and the procedures for granting amnesty and abolition. Normative-critical analysis assesses the suitability of amnesty and abolition practices with respect to the principles of justice and the rule of law, including the effectiveness of checks and balances in relation to the DPR. Still, the criteria for assessment and the process of critical assessment remain unclear. An argumentative approach aims to develop constructive criticism and recommendations grounded in constitutional theory, principles of public policy, and comparative international practice.

RESULT AND DISCUSSION

Historical, Juridical Analysis, and Its Implications for the Rule of Law Principles

Based on the research conducted, the practice of amnesty and abolition in Indonesia, although constitutionally a presidential prerogative, exhibits a complex and varied pattern across different political eras. The research employed documentary and comparative juridical analysis, focusing on several presidential decrees, Article 14 of the 1945 Constitution, relevant court decisions, minutes of BPUPKI sessions, and legal literature, rather than treating the entire history as a single case study. Based on the analysis, although presidential prerogatives are constitutionally recognized and

operate outside ordinary judicial procedures, concerns about transparency and accountability may arise in certain cases. Therefore, rather than framing this practice as a violation of due process, the findings highlight potential challenges in ensuring procedural clarity and public oversight in the exercise of executive clemency.

In the Soekarno era, amnesties and abolitions were granted to participants in the DI/TII, PRRI/Permesta, and RMS rebellions to stabilize national politics, but at the expense of legal certainty for victims and the communities involved.[11] The Soeharto era saw similar practices through the amnesty for FRETILIN followers in East Timor, emphasizing the compromise between the interests of political integration and legal certainty.[12] Subsequently, during the reform era under Presidents Habibie and Gus Dur, the emphasis was on granting amnesties to opposition figures and releasing political activists as a form of rehabilitation for political rights and the restoration of civil liberties. However, it still raised questions about procedural transparency and legislative oversight.[13]

During the SBY era, the granting of amnesty to former GAM combatants in Aceh demonstrated the integration of peace with clearer legal considerations through the Helsinki Peace Agreement.[14] The Jokowi era saw the evolution of amnesty practices from a political and security context to one of individual justice and human rights, such as in the cases of Baiq Nuril and Saiful Mahdi.[15] Meanwhile, the Prabowo era

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[11] Ade Apandi, Ardhia Rachma Cahyani, and Feriana Radika Sari, "Dinamika Politik Dan Militer Di Indonesia Dalam Konteks Pemberontakan Dan Peralihan Kekuasaan (1946-1965)," *Journal of Indonesian Social Studies Education* 3, no. 1 (2025): 73–85; Norman Joshua, *Fashioning Authoritarianism: Militarization of Society in Indonesia, 1930-1966*, Northwestern University, 2023; Kristanto et al., *Sinergitas TNI-Polri Menangani Terorisme Di Indonesia*.

[12] Ni'matul Huda, *Tawaran Otonomi Khusus Yang Ditolak Di Timor Timur* (Nusamedia, 2021); Poltak Partogi Nainggolan, *Transisi Dan Kandasnya Konsolidasi Demokratis Pasca-Soeharto* (Yayasan Pustaka Obor Indonesia, 2021); Amy Rothschild, "Human Rights in Timor-Leste's Struggle for Independence," *Indonesia* 115, no. 1 (2023): 31–43.

[13] Roni Ali Rahman, Dyanatil Azkiya, and Siti Khoirun Nisak, "Melacak Pikiran Politik Gusdur Dalam Koran Petisi Tahun 1998-1999," *Multidisipliner Knowledge* 3, no. 1 (2025): 70–85; Zulfaqaar, "Studi Riwayat Demokrasi Pasca Reformasi."

[14] Mohammad Rafsanjani Akbar and Jamaluddin Jamaluddin, "Comparison of the Helsinki MoU 2005 and the Final Peace Agreement 1996: A Case Study of Aceh, Indonesia and Mindanao, Philippines," *Genesis Law and Social Sciences* 1, no. 1 (2025): 16–22; Kintan Farhayanti Dewi, Gede Sumerta, and Eri Hidayat, "Potensi Konflik Antara Pemerintah Provinsi Aceh Dan Pemerintah Pusat Republik Indonesia Terhadap Implementasi Memorandum of Understanding Helsinki Dalam Perspektif Amnesti Internasional," *Jurnal Education and Development* 10, no. 1 (2022): 1–7; Andri Rafi Prayogo, *Pengaruh Memorandum of Understanding (MOU) Helsinki Terhadap Penegakan Hukum Hak Asasi Manusia Di Aceh Pasca Konflik*, Universitas Islam Indonesia, 2025.

[15] Sri Wiyanti Eddyono, "The Relationship between Human Rights and Criminal Law: A Human Rights-Based Criminal Justice System," in *International Human Rights and Local Courts* (Routledge, 2024), 114–35; Eka Nugraha Putra, *Criminal Defamation and Freedom of Speech in the Internet Age: A Study for Indonesian Democratic Values*, 2022; Wibowo,

saw large-scale amnesties and abolitions, including for political cases, Papua, and the ITE Law, which led to criticism of the balance between political reconciliation, legal certainty, and due process of law.

Based on the analysis, although amnesty and abolition have a strong legal basis as presidential prerogatives, their implementation must always consider the principles of justice, transparency, legal certainty, and adequate oversight mechanisms to avoid the perception that court decisions can be overturned unilaterally by the executive.

Amnesty, Public Perception and the Function of the Judiciary in Indonesia

Based on the research results, the practice of granting amnesties is often perceived by the public as potentially weakening the judiciary, the main pillar of law enforcement in Indonesia. While amnesty is indeed a political act and the constitutional prerogative of the President, with the consideration of the House of Representatives, this view risks oversimplifying the complex relationship between law and politics. Legally, amnesties do not nullify court decisions that have become legally binding (inkracht van gewijsde). Still, their implementation can have symbolic and psychological effects that affect public perceptions of judicial authority. In controversial cases, such as political violence or corruption, amnesties can create the impression that judicial outcomes can be negotiated through political channels, potentially undermining perceptions of judicial independence. Therefore, although amnesties serve as a political instrument for specific policy purposes and not as a formal weakening of the judiciary, their impact on public confidence and the balance between legal certainty and substantive justice should not be overlooked.

However, the research found that when court decisions can be expunged through political instruments such as amnesty, there is a public perception that the legal force of the decision becomes relative. This creates legal uncertainty, as the judicial outcome is no longer seen as the end of the criminal case. Therefore, the research emphasizes the importance of transparency and a clear mechanism for granting amnesty to ensure

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that this practice does not create the impression of political interference in the judiciary, while maintaining the principles of legal certainty and justice for all parties.

The Potential of Presidential Discretion for Political Interests

Based on this research, the practice of granting amnesties and abolitions in Indonesia may risk abuse of presidential discretion. Still, not every exercise of discretion automatically indicates an abuse of power. An analysis of various amnesty and abolition cases from 2000 to 2023 shows a tendency toward political considerations in some decisions, even as administrative transparency increases and parliamentary deliberations are openly recorded. The powers provided for in Article 14 of the 1945 Constitution should be used to protect the national interest, promote reconciliation, or resolve specific socio-political conflicts, and the flexibility of the prerogative allows the application of substantive justice outside formal legal procedures. The research findings emphasize the importance of strengthening the president's political accountability through public transparency and moral responsibility, rather than merely through technical restrictions or increased parliamentary control, to ensure the maintenance of the functions of reconciliation, substantive justice, and government stability.

Evaluation of Presidential Discretion and Strategies to Improve Accountability and Substantive Justice

Based on the research conducted, the practice of granting amnesties and abolitions in Indonesia has the potential to be misused by the President as a tool of power. According to Article 14 of the 1945 Constitution, this authority should be used to protect national interests, encourage reconciliation, or resolve certain socio-political conflicts. However, a historical analysis of amnesty and abolition cases from the era of President Soekarno to President Prabowo Subianto shows that authority is often exercised selectively to protect the interests of close groups or the President's political cronies. The granting of amnesty to former PRRI/Permesta followers under President Soekarno, as well as the granting of amnesty to several political figures and perpetrators of ITE Law cases under President Jokowi, show different patterns of

treatment influenced by the political context and personal relationships with the executive power.

Abuses are amplified by unclear criteria for granting amnesties and abolitions, and by the DPR's weak oversight mechanisms, in which DPR considerations are often a formality. As a result, the granting of amnesties and abolitions, which should uphold the principle of substantive justice, can undermine the principle of equality before the law. This principle emphasizes that every citizen should be treated equally without exception; however, abuse of authority can lead to injustice and legal discrimination, and it can also weaken public confidence in the independence of law enforcement.

While there is a push to limit presidential discretion through stricter technical rules, strengthened checks and balances, and greater public participation in granting amnesties and abolitions, empirical findings suggest that extensive public intervention and procedural restrictions risk undermining the president's constitutional prerogatives. Analysis of official documentation of Presidential Decrees (Keppres), parliamentary meeting notes, and case records indicates that the most urgent need is strengthened transparency, documentation of the political-legal rationale, and public accountability for each grant of amnesty or abolition. As such, systemic reforms should focus on ensuring that amnesties and abolitions are implemented responsibly and contextually, in line with the goals of national reconciliation and the correction of the limitations of positive law, rather than simply on procedurally regulated "substantive justice standards".

Gaps between the Constitution and Objective Standards

Based on the research conducted, amnesty and abolition in Indonesia have not been regulated in detail through organic laws or technical regulations that establish clear criteria. Article 14 of the 1945 Constitution mentions only the President's authority, with consideration of the DPR. Still, it does not specify the objective parameters that must be met for the policy to be truly grounded in law and justice. The absence of technical regulations leaves the concepts of "*National interest*" or "*Reconciliation*" highly subjective and easily politicized.

As a result, amnesties and abolitions can be misused as tools for political compromise rather than as legitimate instruments of law enforcement or conflict resolution. This creates legal uncertainty for victims, law enforcement officials, and the wider community. Based on a political law analysis of the comprehensive text of the 1945 Constitution, the current practice of granting amnesty and abolishing still relies heavily on presidential discretion, without clear objective standards, creating a risk of inconsistency and uncertainty in implementation.

Based on the research, further regulation is needed through laws or government regulations that establish clear, accountable requirements, procedures, and limits on authority. Such regulations would strengthen the legal legitimacy of granting amnesties and abolitions, and maintain the principles of substantive justice and equality before the law for all citizens.

Implications for Rule of Law and Government Stability

The practice of granting amnesties and abolitions in Indonesia does not rest solely on objective, rational legal considerations but is also a legitimate expression of the president's political prerogative. The history of granting amnesties and abolitions shows that such decisions are often used as legitimate political instruments to ease social tensions or maintain national stability, including accommodating the demands of certain groups, without automatically deviating from the principle of the rule of law. This practice confirms that political considerations, within the framework of raison d'état and state objectives, are integral to the law's legitimacy.

During the Soekarno era, Presidential Decree No. 449/1961 granted amnesty and abolished the status of former PRRI/Permesta and DI/TII rebels, not only to promote national reconciliation but also to ease political pressure that threatened the government's stability. During President Habibie's tenure (1998-1999), amnesty was granted to opposition figures, including Sri Bintang Pamungkas and Papuan activists, through Presidential Decrees No. 80 and 123 of 1998, as part of efforts to maintain the post-New Order political transition. In President Jokowi's era, the granting of amnesty to Baiq Nuril (2019) and Saiful Mahdi (2021), attributed to humanitarian considerations, also responded to public pressure and media criticism regarding legal

injustice under the ITE Law. A more recent example from the Prabowo era (2025) shows that the House of Representatives approved amnesties and abolitions for more than 1,100 individuals, including those implicated in political cases and violations of the ITE Law, signaling a large-scale exercise of legal discretion that political interests and national reconciliation goals may have influenced.

When amnesty or abolition decisions are determined more by political negotiations than by juridical considerations, the judiciary's role as the main pillar of the rule of law can be eroded, as court decisions that should be final and binding become vulnerable to being overturned or ignored through executive prerogative instruments without adequate public oversight or evaluation mechanisms. As a result, granting politically motivated amnesties or abolitions can undermine public confidence in the judicial system and open the door to executive abuse of power. Historical data shows a consistent pattern that the greater the political or social pressure, the higher the likelihood that such discretionary legal decisions will be used as a tool of political stabilization, rather than solely for legal protection or social reconciliation.

Legal Legitimacy and Public Participation

Based on research, amnesties and abolitions in Indonesia generally occur within a narrow policy space, in which public participation is barely accommodated. The decision-making process rests entirely with the President, with the DPR serving only as a formal consideration, and there is no formal mechanism to hear the aspirations of the community, victims, or those directly affected. In the case of Presidential Decree No. 303/1959 and Presidential Decree No. 449/1961, which concern the amnesty and abolition of DI/TII and PRRI/Permesta rebels, there is no record of any public consultation or deliberation with conflict victims or local communities.

This has the potential to create dissatisfaction, as decisions to remove a sentence or halt the legal process can significantly affect not only the perpetrator but also victims who feel their rights have been ignored. As seen in the Baiq Nuril amnesty case (2019), despite widespread media attention and advocacy, there was no formal mechanism to directly hear the community's and victims' aspirations before the President's decision.

The absence of public participation in granting amnesties and abolitions does not necessarily undermine the policy's legitimacy, as constitutional legitimacy derives from presidential prerogative and parliamentary control rather than from public consultation. In practice, the public is often a passive observer, but this reflects an institutional design that emphasizes political stability and the effectiveness of national reconciliation, rather than elite domination. For example, Presidential Decree No. 22/2005 on GAM combatants in Aceh granted amnesty as part of implementing the Helsinki MoU, without a formal mechanism for the people of Aceh to provide input on victim recovery or the reintegration of former combatants. Thus, in the context of transitional justice, the focus of amnesty is on the collective restoration of political peace. At the same time, public participation can be placed at the policy evaluation and implementation stages, rather than at the prerogative decision-making stage.

The absence of channels for public participation in the granting of amnesties and abolitions is a loophole that can undermine the principle of democratic rule of law. Therefore, a more transparent and inclusive mechanism that involves the public is urgently needed, so that any policy on amnesty or the termination of legal proceedings is grounded in consideration of the interests of the wider community rather than a mere political compromise.

The Lack of Judicial Oversight in the Granting of Amnesty and Abolition in Indonesia

The results show that the practice of granting amnesties and abolitions in Indonesia is not subject to judicial oversight. Constitutionally, amnesty and abolition are presidential prerogatives, as stipulated in Article 14 of the 1945 Constitution; these decisions are constitutional acts of the head of state, not merely administrative actions or legal products that the courts can test. Therefore, neither the Constitutional Court nor the Supreme Court has the authority to assess the substance or procedure of granting amnesties and abolitions. The research confirms that the absence of judicial oversight is not a weakness of the legal system but rather a consequence of the constitutional design that distinguishes between political and judicial oversight. Although the DPR is obliged to provide consideration, this function is political, not

legal, and therefore does not guarantee substantive or procedural review. Thus, control over the granting of amnesties and abolitions emphasizes political and moral accountability rather than formal judicial oversight, and presidential decisions retain a degree of constitutional autonomy protected from judicial intervention.

Reforming the Mechanism for Granting Amnesty and Abolition

Normatively, the granting of amnesty and abolition are not ordinary administrative policies. These two legal instruments have direct implications for the principles of due process of law, legal certainty, and the protection of citizens' rights, both victims' and perpetrators'. Therefore, the entire bureaucratic scheme for granting amnesty and abolition must uphold the principles of the rule of law (rechtstaat), be transparent, and allow for meaningful public and parliamentary oversight.

The process begins with the pre-initiation stage, which emphasizes that not all parties can apply for amnesty or abolition. Designating a legitimate initiating actor, such as the Minister of Law and Human Rights, the Attorney General, or an ad hoc reconciliation body, serves as a filter to close loopholes for abuse of power. At this stage, preparing a comprehensive document that includes academic studies, case databases, and official recommendations constitutes evidence that will be tested administratively and materially. Setting a maximum time limit of 60 days at the initial stage demonstrates the procedural need to avoid a prolonged tug-of-war.

The second stage, independent verification, provides a means to demonstrate that the proposal is legitimate, supported by robust legal evidence, and consistent with the principles of justice. Establishing an independent verification team underscores the spirit of checks and balances. The validated results then serve as the entry point for the public participation stage. In modern constitutional law, public participation is not merely a formality but a substantive mechanism of legitimization. This stage includes public hearings (RDPU) in the DPR, publication of documents, and an opportunity for victims and the public to respond for at least 14 days, as a manifestation of the principle of open government.

The next stage, substantive consideration by the DPR, strengthens parliament's role as a watchdog of executive policy. Without parliamentary approval, a Presidential

Decree (Keppres) on amnesty or abolition cannot be issued. If the DPR refuses or sets conditions, the president has no legal basis to compel the issuance of the Keppres. At this point, the executive-legislative relationship aligns with the principle of constitutional supremacy while maintaining a balance between prerogative power and formal legal mechanisms.

If the DPR approves or conditionally approves, the President is authorized to issue a Presidential Decree. Implementation through the Keppres must be accompanied by official publication in the State Gazette and administrative recording at the Directorate General of AHU. This is not merely administrative; it emphasizes that decisions affecting the legal status of citizens should not be hidden behind mere political discretion; they should be recorded as publicly accessible state records with formal legitimacy.

The scheme is closed with ongoing supervision through periodic evaluation, leaving room for revision and revocation if data errors, manipulation, or violations of legal principles are found in the future. This underscores that an amnesty or abolition is not a "lifetime pardon" that is immune to evaluation. In a state of law, any extraordinary policy remains subject to correction mechanisms, while preserving presidential flexibility to act in the interests of reconciliation and political stability.

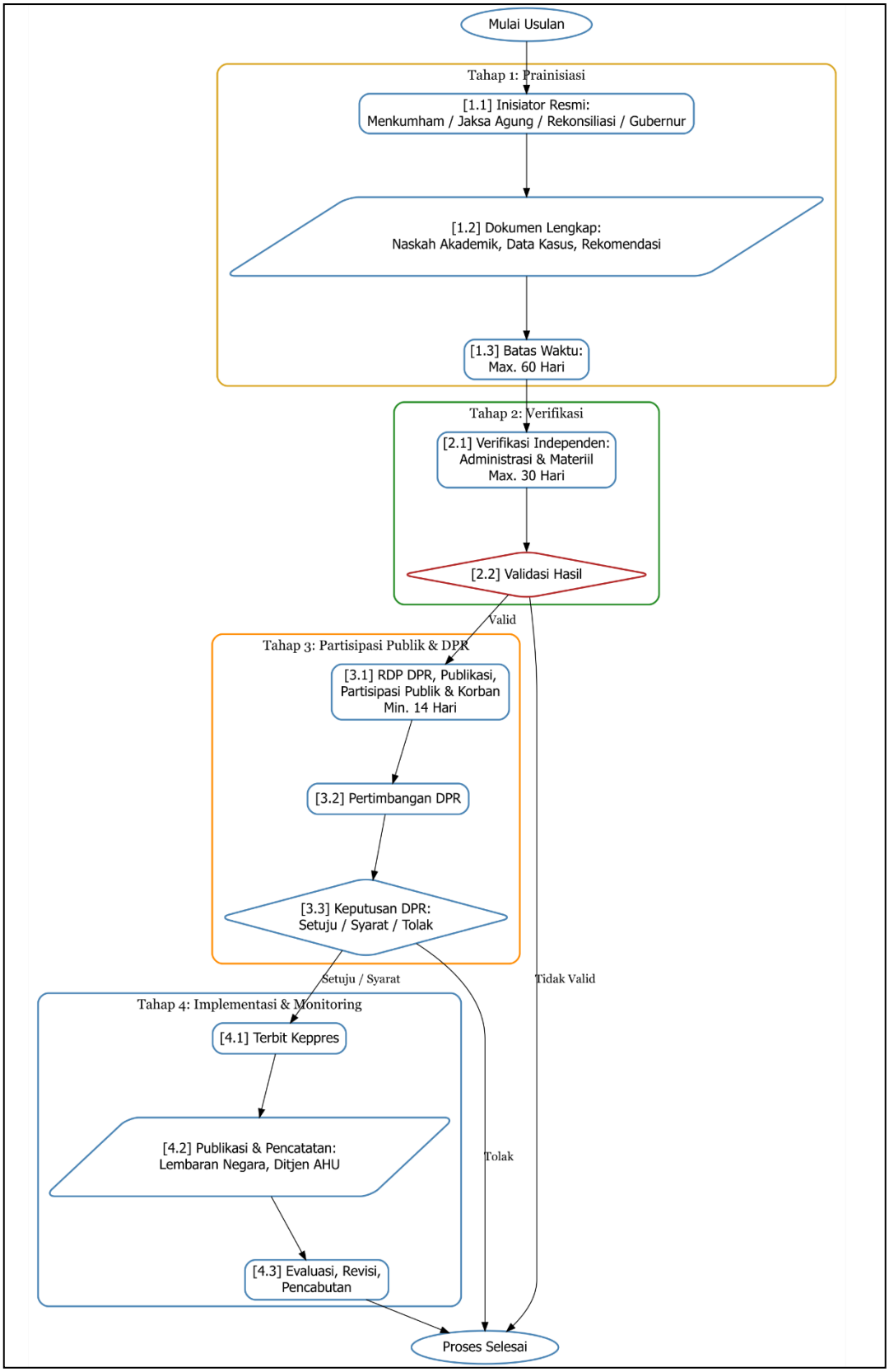

Figure 1. Legal-Bureaucratic Process of Presidential Amnesty and Abolition in Indonesia

Source: Compiled by Researcher, 2025

Figure 1 illustrates the legal-bureaucratic process for granting amnesty and abolition, beginning with the authorized official's pre-initiation stage, followed by the preparation of complete documents within a specified time limit. The proposal is then verified administratively and materially, and, if declared valid, proceeds to public participation through hearings and consideration by the House of Representatives, until a political decision is made (approval, conditional approval, or rejection). If approved, the President issues a Presidential Decree, which is published, officially recorded and periodically evaluated. While this flow emphasizes procedural accountability and transparency, research indicates that this bureaucratic representation tends to reduce constitutional presidential prerogatives to mere administrative procedures. While this diagram is effective in mapping out the formal stages, it does not capture the political rationality, non-justiciable character, and substantive logic underlying the use of amnesty and abolition prerogatives; consequently, the transparency it displays is purely procedural and does not automatically ensure substantive accountability.

CONCLUSION

Amnesty and abolition, although a presidential prerogative under Article 14 of the 1945 Constitution, are complex and multidimensional legal-political instruments. The history of amnesty practices from the Soekarno to Prabowo eras shows that the scope of amnesties and abolitions has always shifted in response to the political context, ranging from national stabilization efforts to social reconciliation to the protection of individual rights. This confirms that amnesties lie at the intersection of legal principles and state political expediency; therefore, they cannot be treated as ordinary legal instruments. The research findings show that the public often perceives amnesties as potentially undermining judicial independence. Although court decisions remain in force, the symbolism of granting amnesties can affect public confidence in legal certainty.

On the other hand, presidential discretion can be abused for political interests, but not every use of discretion constitutes an abuse of power. The differentiation between legitimate use of discretion and abuse should be the focus of constitutional analysis.

The absence of technical regulations or objective criteria makes the concepts of "national interest" and "reconciliation" subjective and easily politicized. The DPR's oversight mechanism is political, not judicial, so formal control is limited. In addition, the amnesty process takes place in a closed policy space, where the aspirations of victims and communities are rarely taken into account. Public participation is important for legitimacy, but it must be balanced against the need for selective secrecy in contexts of sensitive conflicts or national reconciliation. Presidential prerogatives are judgment-based rather than entirely rule-based. An overemphasis on transparency or technical restrictions risks undermining the president's constitutional flexibility in maintaining political stability and substantive justice. Therefore, reforms to the amnesty and abolition mechanisms should not only impose procedural limits but also ensure appropriate transparency, clear documentation, independent verification mechanisms, parliamentary and public participation during the consideration stage, and periodic evaluation to maintain accountability without unduly restricting the presidential prerogative.

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The author declares that there is no conflict of interest in the publication of this article.

REFERENCES

Ahmad, Ahmad. "Purifikasi Pemberian Amnesti Dan Abolisi: Suatu Ikhtiar Penyempurnaan Undang Undang Dasar 1945." *Ius Civile: Refleksi Penegakan*

Hukum Dan Keadilan 5, no. 2 (2021).

Akbar, Mohammad Rafsanjani, and Jamaluddin Jamaluddin. "Comparison of the Helsinki MoU 2005 and the Final Peace Agreement 1996: A Case Study of Aceh, Indonesia and Mindanao, Philippines." *Genesis Law and Social Sciences* 1, no. 1 (2025): 16–22.

Alidar, EMK. *Progresifitas Pemberian Amnesti Di Indonesia: Studi Pemberian Amnesti Kepada Baiq Nuril Maknun*. LP2M UIN Ar-Raniry Banda Aceh, 2023.

Apandi, Ade, Ardhia Rachma Cahyani, and Feriana Radika Sari. "Dinamika Politik Dan Militer Di Indonesia Dalam Konteks Pemberontakan Dan Peralihan Kekuasaan (1946-1965)." *Journal of Indonesian Social Studies Education* 3, no. 1 (2025): 73–85.

Awaludin, Agus, Prasetia Randiana, Giovani Anggasta Pratiwi Lambouw, Aep Suhendi, Imas Rosidawati Wiradirja, and Deny Haspada. "Realitas Dan Idealitas Dalam Penegakan Hukum Di Era Kegundahan Politik." *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, no. 4 (2025): 4212–20.

Dewi, Kintan Farhayanti, Gede Sumerta, and Eri Hidayat. "Potensi Konflik Antara Pemerintah Provinsi Aceh Dan Pemerintah Pusat Republik Indonesia Terhadap Implementasi Memorandum of Understanding Helsinki Dalam Perspektif Amnesti Internasional." *Jurnal Education and Development* 10, no. 1 (2022): 1–7.

Eddyono, Sri Wiyanti. "The Relationship between Human Rights and Criminal Law: A Human Rights-Based Criminal Justice System." In *International Human Rights and Local Courts*, 114–35. Routledge, 2024.

Fauzi, Suyogi Imam. "Politik Hukum Pemberian Grasi, Amnesti Dan Abolisisebagai Konsekuensi Logis Hak Prerogatif." *Jurnal Hukum & Pembangunan* 51, no. 3 (2021): 621–36.

Gemilang, Gilang, and Ismaidar Ismaidar. "Politik Hukum Restorative Justice Dalam Pembaharuan Hukum Pidana Di Indonesia." *Innovative: Journal of Social Science Research* 4, no. 1 (2024): 7370–82.

Hamzani, Achmad Irwan, Tiyas Vika Widyastuti, Nur Khasanah, and Mohd Hazmi Mohd Rusli. "Legal Research Method: Theoretical and Implementative Review." *International Journal of Membrane Science and Technology* 10, no. 2 (2023): 3610–19.

Herin, Jacob J. *Siapa Yang Bertanggung Jawab Atas Semua Peristiwa HAM Di Timor Timur?-Jejak Pustaka*. Jejak Pustaka, 2023.

Hidayah, Siti, and Aris Setyo Nugroho. "Pemberian Amnesti Dan Abolisi Dalam Tindak Pidana Korupsi: Tinjauan Hukum Dan Analisis Keadilan Prosedural." *Indonesian Journal of Law and Justice* 2, no. 1 (2025): 13–20.

Hidayatulloh, Hanip, and M Reza Saputra. "Juridical Comparison of the Mechanisms of Abolition and Amnesty in the Legal Systems of Russia and Indonesia." *Journal Evidence Of Law* 4, no. 2 (2025): 722–36.

Huda, Ni'matul. *Tawaran Otonomi Khusus Yang Ditolak Di Timor Timur*. Nusamedia, 2021.

Irhamdessetya, Hani. *Rekonstruksi Regulasi Perlindungan Saksi Dan Korban Dalam Perspektif Sistem Peradilan Pidana Berbasis Nilai Keadilan Restoratif*. Universitas Islam Sultan Agung (Indonesia), 2024.

Iskandar, Mizaj. *Progresifitas Pemberian Amnesti Di Indonesia (Studi Pemberian Amnesti Kepada Baiq Nuril Maknun)*. Universitas Islam Negeri Ar-Raniry Banda Aceh, 2023.

Joshua, Norman. *Fashioning Authoritarianism: Militarization of Society in Indonesia, 1930-1966*. Northwestern University, 2023.

Kasim, Aksah, and Andi Heridah. "Urgensi Pembentukan Undang-Undang Amnesti Dan Abolisi: Mengatasi Kekosongan Hukum Dan Kepastian Dalam Sistem Ketatanegaraan." *Innovative: Journal Of Social Science Research* 5, no. 4 (2025): 11597–607.

Kristanto, Kiki, Rahma Melisha Fajrina, Amran Wahid, and Sepriano Sepriano. *Sinergitas TNI-Polri Menangani Terorisme Di Indonesia*. PT. Sonpedia Publishing Indonesia, 2025.

Lenta, Patrick. "Amnesties, Transitional Justice and the Rule of Law." *Hague Journal on the Rule of Law* 15, no. 3 (2023): 441–69.

Mallongi, Andi Agung, Ryan Ramdani, and Yoga Saputra. "TINJAUAN YURIDIS KEWENANGAN PRESIDEN DALAM PEMBERIAN AMNESTI DAN IMPLIKASINYA TERHADAP PEMENUHAN HAK ASASI MANUSIA." *WICARANA* 4, no. 2 (2025): 87–100.

Mokrosinska, Dorota. "Reclaiming Raison d'état: The Necessity of Executive Secrecy 1." In *State Secrecy and Democracy*, 25–45. Routledge, 2023.

Nabiyyin, M Hafizh, and Stivani Ismawira Sinambela. "Peran Amnesty International Pada Pembatasan Kebebasan Berekspresi Human Rights Defender Di Indonesia: Studi Kasus Veronica Koman." *Papua Journal of Diplomacy and International Relations* 3, no. 1 (2023): 1–18.

Nainggolan, Poltak Partogi. *Transisi Dan Kandasnya Konsolidasi Demokratis Pasca-Soeharto*. Yayasan Pustaka Obor Indonesia, 2021.

Novianto, Rico. "Regulatory Implementation in Aceh Special Autonomy Era by Local Government." *Nitiparitat Journal* 4, no. 2 (2024): 45–56.

Pittari, Mariella. *The State of Exception in Private Law*. Università degli Studi di Torino, 2024.

Prayogo, Andri Rafi. *Pengaruh Memorandum of Understanding (MOU) Helsinki Terhadap Penegakan Hukum Hak Asasi Manusia Di Aceh Pasca Konflik*. Universitas Islam Indonesia, 2025.

Purnama, Eddy, and Faisal Akbar Nasution. "The Shifting of the President Prerogative Powers in the Presidential System Post Amendment to the UUD

1945 in Indonesia." *Journal of Law and Sustainable Development* 11, no. 11 (2023): e1793–e1793.

Putra, Eka Nugraha. *Criminal Defamation and Freedom of Speech in the Internet Age: A Study for Indonesian Democratic Values*. 2022.

Rahman, Roni Ali, Dyanatil Azkiya, and Siti Khoirun Nisak. "Melacak Pikiran Politik Gusdur Dalam Koran Petisi Tahun 1998-1999." *Multidisipliner Knowledge* 3, no. 1 (2025): 70–85.

Rohman, Moh Mujibur, Nashrul Mu'minin, Mowafg Masuwd, and Elihami Elihami. "Methodological Reasoning Finds Law Using Normative Studies (Theory, Approach and Analysis of Legal Materials)." *MAQASIDI: Jurnal Syariah Dan Hukum*, 2024, 204–21.

Rosenberg, Justin. "Secret Origins of the State: The Structural Basis of Raison d'etat." *Review of International Studies* 18, no. 2 (1992): 131–59.

Rothschild, Amy. "Human Rights in Timor-Leste's Struggle for Independence." *Indonesia* 115, no. 1 (2023): 31–43.

Sugiarto, Agus. "Juridical Analysis of the Process of Implementation of Crimination Related to Remedies for Clemency." *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)* 4, no. 4 (2021).

Szabó, Zsolt. "Judicial Control of Parliamentary Procedure: Theoretical Framework Analyses." *Const. Rev.* 9 (2023): 1.

Wijayatmi, Hastutining Dyah. *Hubungan Bilateral RI-Timor Timur Pasca Kemerdekaan Timor Timur*. UNS (Sebelas Maret University), 2004.

Yunus, Ahmad Syahril. *Restorative Justice Di Indonesia*. Guepedia, 2021.

Yuwita, Okky Surya. *POLITIK HUKUM OLEH KEPOLISIAN DALAM MEWUJUDKAN KEADILAN RESTORATIF PADA PROSES PENYIDIKAN PIDANA*. Universitas Islam Sultan Agung Semarang, 2024.

Zulfaqaar, Azza. "Studi Riwayat Demokrasi Pasca Reformasi." *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humaniora* 2, no. 01 (2024).