

Indonesian prisoner amnesty and conditional release must not create forced labour

President Prabowo urged to be transparent about proposed amnesty for 44,000 prisoners

Tuesday 31 December 2024, by [BALOWSKI James](#), [DIRGANTARA Adhyasta](#), [MOVANITA Ambaranie Nadia Kemala](#) (Date first published: 15 December 2024).

***Adhyasta Dirgantara, Ambaranie Nadia Kemala Movanita, Jakarta* – Institute for Criminal Justice Reform (ICJR) Deputy Director Maidina Rahmawati is urging the administration of President Prabowo Subianto to remain transparent and accountable about giving amnesty to 44,000 convicted prisoners.**

Rahmawati said that transparency is needed so that the public can criticise the steps taken in giving amnesty to the prisoners.

“The ICJR basically agrees with all the steps being taken on humanitarian and human rights [grounds], especially those aimed at ending the criminalisation of users of narcotics for personal use”, Rahmawati said in a statement on Sunday December 15.

“But what ICJR wants to emphasise is that the process of giving amnesty must be carried out accountably and transparently. We demand that this process be carried out based on policies that can be accessed by the public so they can be assessed and criticised”, she continued.

Rahmawati said that the technical issues for granting of amnesty must be formulated in a regulation in order to ensure the standardisation of the assessment and granting of amnesty, and that it is proposed to the president and considered by the House of Representatives (DPR).

In addition to this, the assessment must also be based on the results of supervision that pays attention to psychosocial and health aspects.

“We also criticise the plan for convicted prisoners that are given amnesty to become labour for food self-sufficiency [projects] or the military reserves. The ICJR states that this plan is vulnerable to exploitation. If prisoners are given job opportunities as part of guidance, then they must have the right to be paid wages. And this can even be done now without needing to be based on this issue of the amnesty plan”, explained Rahmawati.

Then in relation to the granting of amnesty for prisoners who are narcotics users, the ICJR claims to have called for this since the administration of former President Joko “Jokowi” Widodo.

Rahmawati said that the ICJR does not agree that avoiding imprisoning narcotics users is the same as imposing rehabilitation on them.

“This is not right, because not all narcotics users need rehabilitation. Only 13 percent of narcotics users experience problem use (UNODC, 2022). Only one out of nine narcotics users experience problems in their use that requires rehabilitation (UNODC, 2018)”, she said.

For this reason, the ICJR believes that the policy changes that must be encouraged are revisions to Law Number 35/2009 on Narcotics, namely the decriminalisation of narcotics use.

Rahmawati said that a certain number of narcotics users must be placed in the domain of health institution interventions, not law enforcement agencies.

Then, with the amnesty plan for prisoners incarcerated for insulting the president, the articles on insulting the president under Law Number 1/2023 on the New Criminal Code (KUHP) must also be abolished.

Meanwhile, for prisoners who would be released due to illness, a consideration of the criminal act involved must be conducted. Rahmawati believes that amnesty should not automatically applied to sick prisoners.

“If it is a convicted prisoner who committed certain general criminal offenses that are criminal offenses where the victims are identified, then what is more appropriate to be applied for such convicted convicts is clemency or forgiveness by the president, not the abolition of the crime through amnesty,” she added.

Earlier, Minister of Law Supratman Andi Agtas revealed it has been proposed that that convicted prisoners who were imprisoned for using drugs through to those who have insulted the head of state would be given amnesty by President Prabowo.

Agtas said that the proposed amnesty needs to be carried out in order to reduce the overcrowding in prisons.

“Some cases related to cases of defamation, or the ITE [Information and Electronic Transaction Law] related to the head of state, or that, the president has asked that they be given amnesty”, Agtas said at the Presidential Palace in Jakarta on Friday December 13.

“And also those who should receive rehabilitation as consequence of the use of narcotics, they are also being asked to be given amnesty”, he continued.

Agtas said that convicted prisoners who are affected by mental disorders and HIV would also be given amnesty as well as several prisoners related to Papua. “But not those who were armed, the president also agrees with giving them amnesty”, said Agtas.

According to Agtas, the total number of convicts who it is proposed will be given amnesty is as many as 44,000, although he will need to confirm the exact number.

“Currently our data is from the Imipas Ministry [Ministry of Immigration and Correctional Institutions] which would make it possible to propose amnesty for approximately 44,000 people”, he added.

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Translated by James Balowski