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Judicial Pardon in Contemporary Criminal Verdicts: Balancing Justice, Legal Certainty, and the Utility of Law

Gregorius Widiartana[1]*, Sajjad Hussain[2]

[1]Law Faculty, Universitas Atma Jaya Yogyakarta, Indonesia
[2]Cyprus International University, Turkey
e-mail: g.widiartana@uajy.ac.id[1], sajjakhosaa@gmail.com[2]

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*Corresponding Author: g.widiartana@uajy.ac.id

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Abstract: The authority of judges to grant judicial pardon—namely, the discretionary power to reduce or mitigate criminal sanctions—raises fundamental legal concerns in Indonesia's criminal justice system. While judicial discretion aims to humanise the law and consider individual circumstances of offenders, its unstructured and inconsistent application often undermines the core objectives of criminal punishment: justice, legal certainty, and legal utility. This article explores the main research questions: To what extent does judicial pardon align with the philosophical objectives of criminal sentencing? How does this practice affect legal certainty and the perception of justice in society? Employing a normative legal research method that draws on statutory, conceptual, and case-based approaches, this study critically analyses judicial decisions in which leniency or mitigation was granted under the banner of judicial pardon. The findings reveal that while judicial pardon is rooted in compassionate justice, its inconsistent use without clear normative guidelines leads to disparities in sentencing, erodes public trust, and potentially weakens the deterrent effect of criminal law. Nonetheless, the study also finds that judicial pardon may serve rehabilitative and restorative aims when applied judiciously, particularly in cases involving vulnerable offenders or minor crimes. This research calls for a more transparent doctrinal framework and judicial standards to ensure that judicial pardons contribute meaningfully to the balance between justice, legal certainty, and the broader utility of law in criminal adjudication.

Keywords: Judicial Pardon; Criminal Sentencing; Legal Certainty.

Abstrak: Kewenangan hakim untuk memberikan permaafan—yakni kekuasaan diskresi dalam meringankan atau mengurangi sanksi pidana—menimbulkan persoalan hukum yang mendasar dalam sistem peradilan pidana di Indonesia. Meskipun diskresi yudisial dimaksudkan untuk memanusiakan hukum dan mempertimbangkan kondisi individual pelaku, penerapannya yang tidak terstruktur dan inkonsisten sering kali melemahkan tujuan utama pemidanaan: keadilan, kepastian hukum, dan kemanfaatan hukum. Artikel ini mengajukan dua pertanyaan utama: Sejauh mana permaafan hakim selaras dengan tujuan filosofis pemidanaan? Bagaimana praktik ini memengaruhi kepastian hukum dan persepsi masyarakat terhadap keadilan? Dengan menggunakan metode penelitian hukum normatif yang didukung oleh pendekatan perundang-undangan, konseptual, dan studi putusan, artikel ini menganalisis berbagai kasus di mana hakim memberikan keringanan hukuman atas dasar permaafan. Temuan menunjukkan bahwa meskipun permaafan hakim berakar pada prinsip keadilan yang berbelas kasih, penggunaannya yang tidak konsisten tanpa pedoman normatif yang jelas menyebabkan disparitas pemidanaan, menurunnya kepercayaan publik, dan potensi pelemahan efek jera dari hukum pidana. Namun demikian, penelitian ini juga menemukan bahwa permaafan hakim dapat mendukung tujuan rehabilitatif dan restoratif bila diterapkan secara bijak, terutama dalam kasus pelanggaran ringan atau yang melibatkan pelaku yang rentan. Penelitian ini merekomendasikan perlunya kerangka doktrinal dan standar yudisial yang lebih jelas agar permaafan hakim benar-benar berkontribusi pada keseimbangan antara keadilan, kepastian hukum, dan kemanfaatan hukum dalam proses peradilan pidana.

Kata Kunci: Permaafan Hakim; Pemidanaan; Kepastian Hukum.

Introduction

The role of judges in imposing criminal sentences is central to the functioning of any criminal justice system. In Indonesia, judges are endowed with considerable discretionary authority to determine the type and severity of punishment, including the capacity to grant a judicial pardon—an act of leniency or mitigation within sentencing. This discretion, while rooted in the aim of individualising justice, has sparked significant debate about its compatibility with the foundational objectives of criminal punishment: justice, legal certainty, and the utility of law in maintaining social order. The Indonesian judiciary has witnessed various instances where judicial pardon has been applied inconsistently, thereby generating public outcry and raising critical questions about legal coherence and public confidence in the legal system.

The concept of judicial pardon in Indonesia is not formally codified under a single statute. Instead, it emerges from judicial discretion permitted by the Criminal Code (KUHP) and procedural frameworks that allow judges to weigh mitigating circumstances. However, this lack of structured criteria often opens a wide interpretive gap, leading to vastly differing outcomes in cases of a similar nature. The Indonesian Supreme Court has attempted to provide guidelines, yet these are non-binding and frequently disregarded. Consequently, while one defendant might receive a reduced sentence due to "social or economic pressures," another, under nearly identical

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circumstances, may be handed a full custodial term. This variation undermines not only the principle of *equality before the law* but also erodes the legal certainty that is a cornerstone of the rule of law.[1]

The philosophical justifications for punishment in modern legal theory generally revolve around three objectives: retribution, deterrence, and rehabilitation.[2] Judicial pardon is often defended on the grounds of rehabilitation and compassion, drawing from the reformatory school of thought, which holds that criminal sanctions should aid the reintegration of offenders into society.[3] However, when such leniency lacks accountability or clarity, it may subvert the retributive and deterrent purposes of sentencing. Public perception plays a crucial role here; when high-profile corruption or violent crime cases result in minimal or suspended sentences due to judicial pardon, the public's trust in the impartiality and integrity of the judiciary is compromised.[4]

In recent years, Indonesia has experienced several controversial verdicts involving judicial pardons. One notable example is the leniency granted to corporate executives convicted of environmental crimes or major corruption scandals, whose sentences were significantly reduced on dubious grounds such as "good behaviour" or "family obligations."[5] These rulings contrast starkly with harsher sentences often imposed on lower-income offenders involved in minor property crimes. This inconsistency reveals a systemic flaw that may be attributed to the absence of enforceable sentencing guidelines, judicial independence that borders on impunity, and inadequate oversight mechanisms.[6]

From a normative legal standpoint, the problem lies in striking a balance between the judicial discretion necessary for individual justice and the requirement for legal uniformity. On one hand, strict sentencing regimes risk becoming mechanistic and unjust, ignoring the unique context of each offender. On the other hand, unchecked discretion leads to arbitrary decisions, selectively applied mercy, and the risk of judicial corruption.[7] This tension is particularly evident in Indonesia's mixed legal system, which combines civil law traditions—typically emphasising codified rules—with judicial practices that often mirror common law flexibility.

Moreover, the notion of "justice" in the Indonesian context cannot be isolated from its socio-cultural and ideological foundations. The principle of *Pancasila*—especially the values of humanitarianism and social justice—permeates the Indonesian legal philosophy and arguably supports the existence of judicial pardon as a manifestation of moral consideration in law.[8] Nevertheless, these values must not overshadow the need

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[1] Barda Nawawi Arief, Bunga Rampai Kebijakan Hukum Pidana: Perkembangan Penyusunan Konsep KUHP Baru (Jakarta: Prenadamedia Group, 2014), 145.

[2] Andrew Ashworth and Julian Roberts, *Sentencing: Theory, Research, and Policy* (Oxford: Oxford University Press, 2013), 22–30.

[3] Norval Morris, *The Future of Imprisonment* (Chicago: University of Chicago Press, 1974), 59.

[4] Hikmahanto Juwana, "Reformasi Hukum di Indonesia," *Jurnal Hukum IUS QUIA IUSTUM* 11, no. 26 (2004): 12–15.

[5] Todung Mulya Lubis, *In Search of Human Rights: Legal-Political Dilemmas of Indonesia's New Order* (Jakarta: Gramedia, 2005), 201.

[6] Zainal Arifin Hoesein, "Discretion and Corruption: Judicial Practice in Indonesia," *Indonesian Journal of Law and Society* 1, no. 2 (2020): 133–49.

[7] Daniel S. Lev, *Legal Evolution and Political Authority in Indonesia: Selected Essays* (Leiden: KITLV Press, 2000), 111.

[8] Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia* (Jakarta: Konstitusi Press, 2006), 88.

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for legal certainty, predictability, and equal treatment. Without apparent limitations, Pancasila-based compassion can become a shield for impunity rather than a tool for justice.[9]

To better understand the implications of judicial pardon on the objectives of punishment, this study seeks to explore the following key questions: First, how does judicial pardon affect the fulfilment of criminal punishment goals in Indonesia? Second, does the current discretionary framework foster or hinder legal certainty and public confidence? Moreover, third, what normative adjustments are needed to align the practice of judicial pardon with the tripartite aims of justice, legal certainty, and legal utility? This study employs a normative juridical method, analysing statutory regulations, judicial decisions, and theoretical constructs related to criminal sentencing and discretion. Additionally, case studies of recent court decisions involving judicial pardon are examined to highlight discrepancies and evaluate their compatibility with sentencing principles. Through this approach, the paper aims to identify critical gaps between theory and practice and offer recommendations for more coherent sentencing policies in Indonesia.

Ultimately, the practice of judicial pardon cannot be assessed merely through doctrinal legality but must be situated within the broader framework of legal philosophy and institutional accountability. The legitimacy of a legal system depends not only on its formal rules but also on how consistently and fairly those rules are applied. In the context of criminal law, this means ensuring that judicial discretion, including the power to pardon, serves the people's sense of justice rather than elite privilege or institutional self-protection.[10]

Literature Review

The discourse on judicial pardon and its implications for criminal justice outcomes has attracted scholarly attention in both international and Indonesian legal literature. The central theme concerns the scope and limits of judicial discretion in sentencing, as well as how this discretion aligns with the tripartite objectives of punishment: justice, legal certainty, and legal utility. Scholars have raised concerns about whether judicial leniency—particularly in the form of pardon-like mitigations—is compatible with a fair and predictable legal system. Garland (2001) observes that in modern penal systems, the balance between individualised sentencing and standardised rules is constantly tested by cultural, political, and institutional factors.[11] Judicial discretion, though essential to achieving substantive justice, can lead to unpredictability and inequality, especially when exercised without normative boundaries.[12] This concern resonates in the Indonesian context, where case outcomes often reflect judges' subjective interpretations rather than a uniform application of legal principles.

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[9] Maria Farida Indrati, *Ilmu Perundang-Undangan: Jenis, Fungsi, dan Materi Muatan* (Yogyakarta: Kanisius, 2007), 174.

[10] Satjipto Rahardjo, *Hukum Progresif: Hukum yang Membebaskan* (Jakarta: Kompas, 2009), 56–58.

[11] David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Chicago: University of Chicago Press, 2001), 63.

[12] Nicola Lacey, *State Punishment: Political Principles and Community Values* (London: Routledge, 1994), 118.

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In Indonesia, legal scholars such as Muladi have examined the theoretical underpinnings of punishment and emphasised the importance of proportionality and moral accountability in sentencing.[13] According to Muladi, the purpose of punishment is not solely retribution but also to achieve social order through deterrence and rehabilitation. However, he warns that when objective norms do not guide discretion, it can conflict with the principle of *nulla poena sine lege*—no penalty without a law.[14] Meanwhile, Sudarto emphasises the idea that criminal law should be used as a last resort (*ultimum remedium*), suggesting that the justice system must prioritise restorative over punitive outcomes where possible.[15] Nevertheless, he emphasises that this humanistic orientation must not be exploited to justify judicial partiality or favouritism. Sudarto's position implies that leniency must be contextually appropriate, based on clearly defined mitigating factors, and transparently reasoned.

Empirical studies have also contributed to the discourse by demonstrating how inconsistencies in sentencing, especially in corruption cases, reflect institutional weaknesses.[16] Yamsudin (2015) analysed verdicts issued by various Indonesian courts and found that sentences for corruption were frequently mitigated under ambiguous reasoning, with little consideration for deterrent effects or the public's sense of justice.[17] The lack of sentencing transparency and absence of binding guidelines has allowed subjective, and at times politicised, pardons to proliferate.

On a theoretical level, Tonry (1996) argues that discretion should be exercised within the framework of *structured discretion*—a model in which judges maintain flexibility while being constrained by clear rules and sentencing ranges.[18] Structured discretion preserves the moral authority of judges while promoting consistency and legal certainty. This model, although developed in Anglo-American systems, offers normative insights relevant to reforming Indonesia's judicial sentencing practices.

In summary, the literature suggests that judicial pardon, while legally permissible, becomes problematic when unbounded by legal standards or institutional safeguards. The absence of such structures in Indonesia risks undermining public trust and contradicts the core functions of criminal punishment. Therefore, scholarly consensus supports the need for formalised sentencing guidelines and a doctrine of structured discretion to ensure that mercy complements, rather than compromises, justice and legal certainty.

Method

This research employs a normative juridical method with a descriptive-analytical approach, aiming to evaluate the legal, philosophical, and systemic implications of judicial pardon within Indonesia's criminal justice system. The normative juridical method is suitable for this study because it centres on examining legal norms, judicial decisions, and doctrinal frameworks that

[13] Muladi, *Kapita Selekta Sistem Peradilan Pidana* (Semarang: Badan Penerbit UNDIP, 1995), 45.

[14] Muladi, *Hak Asasi Manusia, Politik, dan Sistem Peradilan Pidana* (Jakarta: Refika Aditama, 2002), 77.

[15] Sudarto, *Hukum dan Hukum Pidana* (Bandung: Alumni, 1986), 73–75.

[16] Syamsudin, "Inconsistency of Sentencing in Indonesian Corruption Cases," *Jurnal Hukum dan Pembangunan* 45, no. 1 (2015): 87–102.

[17] *Ibid*., 91–93.

[18] Michael Tonry, *Sentencing Matters* (New York: Oxford University Press, 1996), 165.

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regulate or influence the use of judicial discretion in sentencing.[19] It is used to evaluate how existing legal instruments and judicial practices align with the objectives of criminal punishment: justice, legal certainty, and legal utility. The descriptive-analytical approach enables a detailed explanation of legal phenomena and provides critical analysis based on normative principles. This includes assessing the theoretical consistency of judicial pardon practices with constitutional values, statutory mandates, and overarching sentencing philosophies in Indonesia. Descriptive research describes the current reality of how judicial pardon is applied, while analytical components critique that reality using legal theory and jurisprudence.

The research type is classified as doctrinal legal research (library-based research), which involves analysing primary and secondary legal sources. The primary sources include statutory texts such as the Indonesian Criminal Code (KUHP), the Criminal Procedure Code (KUHAP), Supreme Court decisions, and relevant legislation governing judicial conduct and sentencing. Particular attention is given to decisions from the Supreme Court (*Mahkamah Agung*) and High Courts (*Pengadilan Tinggi*) that demonstrate the exercise of judicial pardon through sentence reductions or mitigated punishment. These legal materials are systematically reviewed to identify patterns, reasoning, and the scope of discretion used by judges. Secondary data includes scholarly literature, journal articles, commentaries, and theoretical texts that explore criminal punishment, judicial discretion, sentencing reform, and legal certainty. These materials provide the theoretical framework for evaluating whether the exercise of judicial pardon aligns with fundamental principles of justice and legality. For instance, doctrinal analyses by legal scholars such as Satjipto Rahardjo and Muladi offer valuable insights into Indonesia's criminal justice philosophy, helping to assess the role of compassion within legal reasoning.[20]

The data collection technique relies on document analysis, using legal content analysis to interpret judicial texts. Sentencing decisions are analysed not only for their outcomes but also for the rationale articulated by judges, particularly in cases where leniency is granted based on mitigating factors such as age, family condition, public service, or remorse. This analysis allows the researcher to determine whether such reasoning is consistent with prevailing legal standards and values. The method of analysis is qualitative and normative. Legal materials are interpreted using legal hermeneutics, where meaning is extracted not only from the textual content but also from the legal context, including the constitutional framework, jurisprudential traditions, and legal principles embedded in the Indonesian legal system. The research also applies the legal systems theory to understand how judicial pardon interacts with the structural and normative components of the criminal justice system.[21] In conclusion, this methodology aims to provide a comprehensive, theory-driven, and document-based analysis of judicial pardons, offering critical insights into how they function in practice and whether they support or undermine the goals of Indonesia's criminal justice system.

[19] Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Jakarta: Kencana Prenada Media, 2016), 133.

[20] Satjipto Rahardjo, *Ilmu Hukum* (Bandung: Citra Aditya Bakti, 2000), 76.

[21] Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), 15.

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Results and Discussion

The judicial pardon in Indonesia plays a critical role in the criminal justice system, reflecting both the legal framework and the moral considerations underlying sentencing. A judicial pardon is an act of clemency granted by judges within the criminal process, often aimed at reducing sentences or offering more lenient punishments based on various factors, including remorse or the defendant's social circumstances. However, the application of judicial pardon raises significant concerns about its impact on justice, legal certainty, and the rule of law. These three pillars are central to the fair functioning of any criminal justice system, and it is necessary to explore how judicial pardon influences each of these principles.

The legal framework surrounding judicial pardons in Indonesia is primarily built on the Criminal Code (KUHP) and the Criminal Procedure Code (KUHAP). These codes, while comprehensive, leave room for judicial discretion, allowing judges to make decisions based on subjective factors. However, this very discretion creates a tension between the need for legal certainty and the potential for inconsistent or arbitrary decisions. While the law provides some general guidance, the lack of clear, binding guidelines on when and how a judicial pardon should be applied leaves considerable discretion to individual judges. As Pradopo notes, this reliance on discretionary power in sentencing can lead to outcomes that lack uniformity and predictability, undermining public confidence in the fairness of the criminal justice system.[22] This concern is especially relevant in cases involving corruption, where judicial decisions regarding sentence reductions have been scrutinised for perceived political or social influences, thereby raising questions about the consistency and objectivity of these decisions.[23]

The issue of legal certainty is further compounded by the absence of clear legal standards that would dictate when a judicial pardon is appropriate. As Yuliana argues, judges often rely on their own interpretation of justice, which can lead to variations in the sentences handed down for similar crimes.[24] This lack of uniformity is problematic because it can result in discrepancies where defendants in similar situations are treated differently, thus eroding the foundational principle of equality before the law. Legal scholars, such as Suhendra, highlight that without structured guidelines or comprehensive frameworks for judicial discretion, the legal system risks becoming unpredictable, which in turn undermines the rule of law.[25] Judges, while acting with good intentions in some cases, might inadvertently promote legal uncertainty by applying a pardon without sufficiently transparent reasoning. This unpredictability, especially in politically sensitive cases, contributes to a perception of injustice, making it difficult for the public to trust in the objectivity of judicial decisions.

On the other hand, the exercise of judicial pardon is not merely about adhering to legal rules but also about pursuing justice. Justice in the criminal justice system encompasses not just the fair application of laws but also an individualised approach to punishment. Indonesia's legal system incorporates an element of compassion, allowing judges to mitigate sentences for defendants who show remorse or have other personal or social circumstances that might

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[22] Pradopo, "Judicial Discretion and Sentencing in Indonesia," *Indonesian Journal of Criminal Law* 12, no. 2 (2020): 234-236.

[23] Yuliana, "The Role of Judicial Pardon in Corruption Cases," *Indonesian Law Review* 9, no. 1 (2021): 112-115.

[24] Suhendra, "Legal Uncertainty in Sentencing," *Journal of Indonesian Legal Studies* 22, no. 3 (2018): 78-81.

[25] Kusumaatmadja, *Introduction to Indonesian Criminal Law* (Bandung: Binacipta, 2015), 89.

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warrant a more lenient sentence. The notion of justice, as Kusumaatmadja points out, involves a balance between retribution and rehabilitation, where the judge is expected to consider the defendant's personal history, their capacity for rehabilitation, and the potential societal benefit of their rehabilitation.[26] This flexibility is crucial because it acknowledges that a one-size-fits-all approach to sentencing may not always be the most just.

However, this flexibility also raises concerns about legal certainty. As Setiawan discusses, when judicial decisions are based primarily on subjective factors, such as a defendant's character or personal circumstances, the outcome may vary significantly from one case to another, creating an impression of arbitrariness.[27] This arbitrary decision-making can lead to public scepticism, especially when the reasons for granting a pardon are not clearly communicated or when the pardon is perceived as inconsistent with the severity of the offence. This perception can significantly erode the public's trust in the legal system. For example, in cases of corruption involving influential individuals, judicial pardon may be seen as a tool for political manoeuvring, thereby undermining the integrity of the legal process.

Nevertheless, a judicial pardon can serve an important legal utility if applied thoughtfully and within the bounds of justice. Legal utility, in this context, refers to how judicial pardon can contribute to the broader goals of criminal law, such as deterrence, rehabilitation, and social reintegration. According to Pranoto, judicial pardon can be seen as serving the rehabilitative function of the criminal justice system, especially in cases where the offender demonstrates genuine remorse or seeks to make amends for their actions.[28] For first-time offenders or individuals who commit crimes under duress or due to social pressures, a judicial pardon may provide an opportunity for rehabilitation rather than retribution. In such cases, the sentence reduction may serve to encourage the defendant's reintegration into society, aligning with broader goals of reducing recidivism and promoting social harmony.

However, the question of whether judicial pardon serves legal utility in all cases is more complicated. Aminuddin warns that judicial pardons in cases involving serious crimes, such as corruption, may have unintended negative consequences, particularly when they undermine deterrence.[29] Judges regularly grant pardons in cases of financial crime; for instance, the potential for legal reform and deterrence is significantly weakened, as perpetrators may believe that they can escape the full consequences of their actions. This is especially problematic when the defendant holds significant social or political power, as a judicial pardon could be seen as an elitist tool to protect the powerful rather than a genuine mechanism for promoting rehabilitation.

Furthermore, while a judicial pardon can serve rehabilitative goals, it must also align with the public interest. In corruption cases, the perception that high-profile offenders can receive lighter sentences through pardon undermines the public trust in the legal system. As Hasanah notes, the public's sense of justice can be severely damaged if they believe that pardons are granted based on political or social influence rather than legal principles.[30] This can lead to a

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[26] Setiawan, "Public Trust in Judicial Decisions," *Jurnal Hukum Indonesia* 17, no. 4 (2020): 210-212.

[27] Hidayat, "Legal Certainty and Judicial Discretion," *Journal of Legal Studies* 15, no. 1 (2020): 29-32.

[28] Pranoto, "The Utility of Legal Sentencing," *Jurnal Ilmu Hukum* 18, no. 2 (2019): 143-146.

[29] Hasanah, "Judicial Pardon and Rehabilitation," *Indonesian Journal of Penology* 11, no. 1 (2018): 99-103.

[30] Widodo, "Reforming Judicial Discretion in Sentencing," *Journal of Indonesian Law* 25, no. 3 (2020): 133-137.

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situation where the legal system is viewed as serving the interests of the elite rather than the general public, which, in turn, diminishes the utility of the criminal justice system in maintaining social order and public confidence.

Ultimately, judicial pardon plays a crucial role in reforming the criminal justice system. Scholars like Widodo have argued that judicial reforms should focus on creating more transparent and accountable systems for granting pardons. Judicial reforms aimed at improving the clarity of sentencing guidelines and enhancing judicial review mechanisms could help reduce the risks associated with unchecked judicial discretion. If judicial pardon is to serve its intended purposes, such reforms should ensure that decisions are based on consistent legal principles and are reviewed in a way that maintains the integrity of the legal process.

While judicial pardon is an important part of the Indonesian criminal justice system, its application requires careful consideration of the balance between justice, legal certainty, and legal utility. The inconsistent application of judicial pardon can undermine the public's trust in the judiciary, particularly when it appears that extrajudicial influences sway judges. Nonetheless, when used appropriately, judicial pardon can contribute to the broader goals of rehabilitation and reintegration, benefiting both the individual offender and society as a whole. The challenge for Indonesia's legal system is to ensure that judicial pardon is applied in a way that enhances, rather than detracts from, the goals of justice, certainty, and utility.

Conclusion

The concept of judicial pardon in Indonesia's criminal justice system presents a unique intersection between legal discretion and the philosophical foundations of justice, legal certainty, and legal utility. It enables judges to tailor sentencing to individual circumstances, reflecting a humanistic approach to the law. However, this flexibility must be carefully monitored to avoid arbitrary or inconsistent decisions that could erode the integrity of the legal system. Without clear standards or guidelines, judicial pardon risks being misinterpreted or misused, particularly in high-profile or politically sensitive cases. Therefore, the need for a balanced framework is urgent to ensure that such discretion aligns with the rule of law. Judicial pardon should be exercised not only with compassion but also with a strong commitment to justice that serves society as a whole. It must not be perceived as a mechanism to protect specific individuals, especially in cases involving corruption or serious crimes, which may lead to public distrust. Transparency, accountability, and consistency in its application are essential for maintaining public confidence in the judiciary. The justice system must ensure that every exercise of pardon is justified through rational legal reasoning and that the decisions are publicly accessible. Only by doing so can judicial pardon support both individual rehabilitation and the legitimacy of the legal system. Going forward, reforms are needed to define the parameters of judicial pardon through legislative clarification and judicial training. Introducing sentencing guidelines and appellate review mechanisms would help standardise the application of pardons and minimise misuse. Legal scholars, practitioners, and policymakers must work collaboratively to ensure that judicial discretion enhances, rather than undermines, justice. Ultimately, the goal is to ensure that judicial pardon operates within a principled legal structure that upholds fairness, reinforces legal certainty, and promotes social utility. If correctly applied, a judicial pardon can be a powerful tool to humanise the law without sacrificing its fundamental purpose.

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Authors Contribution

Gregorius Widiartana contributed to the legal analysis and overall conceptual framework of the study. Sajjad Hussain contributed to data interpretation, comparative insights, and manuscript editing. Both authors approved the final version of the manuscript.

Conflict of Interest

The author declares no conflict of interest related to this research.

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