

A COMPARATIVE STUDY OF REMISSION LEGAL POLICIES: BRAZIL'S LITERACY-BASED REMISSION PROGRAM AS A REFERENCE FOR CORRECTIONAL LAW REFORM IN INDONESIA

Ikca Cahya Anggraeni

Universitas Negeri Surabaya

iccacahya.22041@mhs.unesa.ac.id

Emmilia Rusdiana

Universitas Negeri Surabaya

emmiliarusdiana@unesa.ac.id

ABSTRACT

*The paradigm shift in remission from a behavior-based to a risk-based in Law Number 22 of 2022 on Corrections with regard to conditional sentences has not been followed by its implementing regulations. Although literacy activities have been recognized in the prisoners' development assessment system as part of intellectual development, their contribution to remission is indirect. Furthermore, the requirement to reduce the risk level cannot be implemented because it is not yet connected to the remission mechanism. This condition reflects the failure of Government Regulation Number 99 of 2012 to operationalize the new paradigm established by the law. Brazil, through CNJ Resolution Number 391 of 2021, has established literacy as the basis for granting remissions, accompanied by clear procedures. This study addresses two questions: whether the Brazilian literacy-based remission model is legally relevant as a reference for the Indonesian Correctional system, which does not yet recognize literacy as a direct basis for granting remissions, and whether the inconsistency between GR 99 of 2012 and Law 22 of 2022 creates a normative obligation for the state to revise it. This study uses normative legal research methods through a statutory approach, a conceptual approach, and a comparison with the functional model and the concept of legal transplantation to assess the feasibility of adapting the Brazilian model. The results show that the Brazilian model is relevant in three aspects: conceptual, procedural, and verification, with a note that it rejects the ideology of *ressocialização*. The inconsistency between GR 99 of 2012 and Law 22 of 2022 results in legal dysfunction, so the state is obliged to revise GR 99 of 2012.*

Keywords: *correctional law; literacy; remission; rehabilitation; risk reduction.*

INTRODUCTION

Indonesia's correctional institutions are under increasing structural pressure. Data from the Directorate General of Corrections (Ditjenpas) through June 2025 shows that Indonesia's correctional facilities are overcrowded by 89.64%. The total capacity of penitentiaries and detention facilities is 147,414 people. However, the actual inmate and detainee population is 279,537. There are only 27,341 correctional officers, resulting in one officer for every forty correctional residents.¹ This density issue has become a difficult problem to solve in correctional institutions because it is caused by several factors, namely the lack of alternative non-prison

¹Iis Zatinika, "Kelembihan Kapasitas Di Lapas Dan Rutan Capai 89,64%," Media Indonesia, 2025, <https://mediaindonesia.com/politik-dan-hukum/794252/kelembihan-kapasitas-di-lapas-dan-rutan-capai-8964->.

punishment, prison policy issues, and excessive criminalization.² The situation undermines the effectiveness of prison-based rehabilitation. Alfadino's research indicates that overcrowding at Cipinang prison has led to less effective rehabilitation programs, more conflicts among inmates, and disruptions to the basic rights of prisoners.³ In this context, sentence remission serves a dual purpose. It is a legally recognized right for inmates, but it also encourages them to show genuine improvement to receive a lawful reduction of their sentence. Therefore, establishing appropriate remission requirements directly affects the effectiveness of the correctional system.

Remission is a concession granted by the state to inmates who have demonstrably improved during the course of their sentence. The Elucidation to Article 10 paragraph (1) letter a of Law Number 22 of 2022 on corrections (hereinafter Law 22 of 2022) states that remission is "*Remission is a reduction of sentence served granted to inmates who fulfill the requirements in accordance with the provisions of laws and regulations.*"⁴ The legal basis for implementing remission in Indonesia encompasses Presidential Decree Number 174 of 1999 on Remission and Government Regulation Number 32 of 1999, as last amended by Government Regulation Number 99 of 2012 (hereinafter GR 99 of 2012). Presidential Decree 174 of 1999 established three categories of remission under Articles 2 and 3: a general remission awarded on 17 August, a special remission granted on major religious holidays, and an additional remission for inmates who have rendered service to the state or who assist rehabilitation activities within correctional facilities.⁵ Enggarsasi and Sumanto (2015) note that the remission system is not merely an ordinary sentencing concession but also forms part of a rehabilitation process that carries an educational dimension and must be accountable to both the state and society at large. They emphasize that an inmate who pursues remission solely to secure early release, without a genuine desire to become a better person, has departed from the very spirit underpinning the correctional system itself.⁶

Indonesia's Correctional system entered a new era with the enactment of Law 22 of 2022 on 3 August 2022. This law replaced Law Number 12 of 1995 on corrections and introduced two fundamental conceptual changes: the strengthening of the social reintegration concept and the adoption of restorative justice within the Indonesian criminal justice system.⁷ These two foundations position corrections not merely as a place to serve a sentence, but also as a means of preparing correctional residents to return to productive, law-abiding lives in society. Article 2 of Law 22 of 2022 affirms that "*The correctional system is administered for: a. providing a guarantee of protection of the rights of Detainees and Children; b. improving the quality of personality and independence of Correctional Residents so that they acknowledge their mistakes, reform themselves, and do not repeat criminal acts, so that they may be accepted back by the community, may live normally as good citizens who are law-abiding, responsible, and able to actively participate in development; and c. providing protection to the community from the repetition of criminal acts.*"⁸ This formulation demonstrates that Law 22 of 2022 demands active and substantive personality transformation, not merely administrative compliance.

²Hamja, "Implikasi Overcrowding Terhadap Lembaga Pemasyarakatan Di Indonesia," *Mimbar Hukum Universitas Gadjah Mada* 34, no. 1 (2022): 296–324, <https://doi.org/https://doi.org/10.22146/mh.v34i1.2495>.

³Ferest Alfadino, "Analisis Penanggulangan Dampak Over Kapasitas Dalam Pelaksanaan Pembinaan Warga Binaan Pada Lapas Cipinang," *Edu Society: Jurnal Pendidikan, Ilmu Sosial Dan Pengabdian Kepada Masyarakat* 5, no. 3 (2025): 98–104, <https://doi.org/10.56832/edu.v5i3.1754>.

⁴"Penjelasan Pasal 10 Ayat (1) huruf a Undang-Undang Nomor 22 Tahun 2022 Tentang Pemasyarakatan" (2022).

⁵"Keputusan Presiden Nomor 174 Tahun 1999 Tentang Remisi" (1999).

⁶Umi Enggarsasi and Atet Sumanto, "Pemberian Remisi Terhadap Narapidana Di Lembaga Pemasyarakatan," *PERSPEKTIF: Kajian Masalah Hukum Dan Pembangunan* XX, no. 2 (2015): 128–35, <https://doi.org/https://doi.org/10.30742/perspektif.v20i2.136>.

⁷"Penjelasan Umum Undang-Undang Nomor 22 Tahun 2022 Tentang Pemasyarakatan" (2022).

⁸Pasal 2 Undang-Undang Nomor 22 Tahun 2022 tentang Pemasyarakatan.

Accordingly, the measure of a correctional resident's success lies in their condition upon release, not in their conduct while inside the facility.

The legal issue underpinning this study is the absence, within GR 99 of 2012, of implementing provisions for two of the three remission requirements newly established by Law 22 of 2022. For the first time in the history of Indonesian correctional law, three cumulative remission requirements have been established directly at the statutory level. Article 10 paragraph (2) of Law 22 of 2022 affirms that "*The specific requirements referred to in paragraph (1) include: a. good conduct, b. active participation in rehabilitation programs, and c. demonstrated reduction of risk level.*"⁹ Meanwhile, GR 99 of 2012, as the implementing Regulation for remission currently in force, prescribes only two requirements under Article 34 paragraph (2) "*Good conduct and having served more than 6 (six) months of sentence.*"¹⁰ There are two indicators for proving good conduct, namely: "*not currently serving a disciplinary sanction within the preceding six (6) months, calculated before the date of remission, and having participated in rehabilitation programs organized by the correctional facility with a satisfactory rating.*"¹¹

This comparison reveals two fundamentally important differences. First, under GR 99 of 2012, participation in rehabilitation programs is merely one means of proving the "good conduct" requirement; it does not stand as an independent requirement in its own right. Law 22 of 2022, by contrast, fundamentally alters this position: Article 10, paragraph (2), letter b makes "active participation in correctional rehabilitation programs" a standalone requirement, separate from the "good conduct" requirement in point a. The word "active" demands proof of genuine and substantive participation, not merely formal attendance assessed internally by facility officers. Second, GR 99 of 2012 contains no provisions whatsoever concerning the reduction of risk level as required by Article 10, paragraph (2), letter c of Law 22 of 2022. This situation arose because Law Number 12 of 1995, the parent statute that gave rise to GR 99 of 2012, mentioned remission only as an inmate's right under Article 14(1) i, without prescribing any substantive requirements at the statutory level.

Based on these provisions, there are significant changes in Law Number 22 of 2022 concerning the remission system applicable in Indonesia. This paradigm shifts from a behavior-based remission toward a risk-based correctional policy. Initially, remission was based solely on inmate behavior, namely good behavior as stipulated in GR 99 of 2012. Later, it shifted to a greater emphasis on evidence-based corrective care, namely actively participating in development programs and reducing risk level.¹² Evidence-based concept refers to practices that should be based on evidence/data that produce rational impacts.¹³ This shift aligns with Andrews and Bonta's statement regarding the risk-need-responsivity (RNR) principle, which establishes three core principles in inmate assessment and development: the risk principle, the criminogenic needs principle, and the responsiveness principle.¹⁴

In the context of the correctional system, risk refers to the possibility of an inmate committing a crime again after being released from prison. This reduction in risk level must be

⁹Pasal 10 ayat (2) Undang-Undang Nomor 22 Tahun 2022 tentang Pemasyarakatan.

¹⁰"Peraturan Pemerintah Republik Indonesia Nomor 99 Tahun 2012 Tentang Perubahan Kedua Atas Peraturan Pemerintah Nomor 32 Tahun 1999 Tentang Syarat Dan Tata Cara Pelaksanaan Hak Warga Binaan Pemasyarakatan" (2012).

¹¹Pasal 34 ayat (3) Peraturan Pemerintah Republik Indonesia Nomor 99 Tahun 2012 Tentang Perubahan Kedua Atas Peraturan Pemerintah Nomor 32 Tahun 1999 Tentang Syarat Dan Tata Cara Pelaksanaan Hak Warga Binaan Pemasyarakatan.

¹²Iqraq Sulhin, "Corrections (Pemasyarakatan) after Law Number 22 of 2022: New Principles and Policy Identification Regarding the Functions of Probation and Parole Offices," *Jurnal Ilmiah Kebijakan Hukum* 16, no. 3 (2022): 457–78, <https://doi.org/10.30641/kebijakan.2022.v16.457-478>.

¹³Direktorat Jenderal Pemasyarakatan and Kementerian Hukum dan HAM RI, "Keputusan Direktur Jenderal Pemasyarakatan Kementerian Hukum Dan Hak Asasi Manusia Republik Indonesia Nomor: PAS-10.OT.02.02 Tahun 2021 Tentang Sistem Penilaian Pembinaan Narapidana" (2021), <https://www.ditjenpas.go.id/standar-sistem-penilaian-pembinaan-narapidana-sppn>.

¹⁴D.A Andrews and James Bonta, *The Psychology of Criminal Conduct*, 5th ed. (New Providence, NJ: Matthew Bender & Company Inc, 2010).

proven through a risk assessment. Article 1 Number 1 of Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 12 of 2013 concerning Risk Assessment and Need Assessment for inmates and correctional clients states, "Risk Assessment is an assessment conducted to determine the level of risk of recurrence of criminal acts by inmates or correctional clients."¹⁵ This regulation explicitly limits the implementation of assessment to only two categories: during the initial period of imprisonment and before the implementation of assimilation or social reintegration. Therefore, although Indonesia already has a risk assessment, the requirements for reducing the risk level in Law 22 of 2022 do not yet have clear procedures regarding the requirements for granting remissions, and GR 99 of 2012, as the implementing regulation, also does not contain such provisions.

The concept of literacy-based remission is not unfamiliar to Indonesia. In February 2018, the Director of Inmate Development at the Directorate General of Correction, Harun Sulianto, publicly affirmed that his office would study the granting of remission to Correctional residents who read diligently, citing practices in Brazil and Italy as policy references.¹⁶ Empirically, literacy programs within Indonesian Correctional facilities are already underway, as demonstrated by the implementation of a literacy education program at the Class III Correctional facility in Rangkasbitung, which recorded significant improvements in inmates' reading and writing abilities.¹⁷ Furthermore, in February 2026, the Class III Correctional facility in Wahai also reported that its prison library literacy programs had been running effectively as part of Correctional residents' activities, although without any formal remission incentive. The library has been utilized to develop critical thinking skills and broaden knowledge as preparation for social reintegration.¹⁸ The fact that this discourse has existed for eight years and literacy practices within correctional facilities are already underway on the ground, yet no legal instrument governing literacy as a basis for granting remission has been established to date, demonstrates the existence of a genuine and pressing legal gap and policy gap.

In this context, Brazil offers a model that can be used as a reference for Indonesia. Brazil has experience in providing sentence reductions through reading (*remição pela leitura*), as stated in Resolution of the National Council of Justice of Brazil (Conselho Nacional de Justiça/CNJ) Number 391 of 2021. The purpose of this program is to encourage reading and writing skills, help inmates obtain sentence reduction, rehabilitation, and help inmates with self-reflection and greater empathy.¹⁹ Within this program, every inmate who reads a literary work is entitled to a four-day reduction of sentence per work read, with a maximum of 48 days per year.²⁰

This program has been effective in Brazil in improving inmates' skills, such as writing, increasing knowledge, and improving text comprehension. It can also increase inmates' interest in reading, encourage integration into formal education, and contribute to inmates'

¹⁵Republik Indonesia, "Peraturan Menteri Hukum Dan HAM RI Nomor 12 Tahun 2013 Tentang Assessment Risiko Dan Assessment Kebutuhan Bagi Narapidana dan Klien Pemasyarakatan," no. 445 (2013): 1–9.

¹⁶Direktorat Jenderal Pemasyarakatan, "Kemenkumham Kaji Pemberian Remisi Bagi Napi Yang Rajin Membaca," 2018, <https://www.ditjenpas.go.id/kemenkumham-kaji-pemberian-remisi-bagi-napi-yang-rajin-membaca>.

¹⁷Destia Pratiwi and Ahmad Fauzi, "Pendidikan Keaksaraan Di Lapas Kelas Iii Rangkasbitung: Upaya Meningkatkan Literasi Bagi Warga Binaan," *AL-DYAS* 4, no. 2 (2025): 1118–30, <https://doi.org/https://doi.org/10.58578/aldyas.v4i2.6033>.

¹⁸Lapas Kelas III Wahai, "Literasi Di Balik Jeruji, Perpustakaan Lapas Wahai Jadi Sarana Edukasi Warga Binaan," 2026, <https://indonesiatimur.co/2026/02/11/literasi-di-balik-jeruji-perpustakaan-lapas-wahai-jadi-sarana-edukasi-warga-binaan/>.

¹⁹"Remission for Reading, Brazil," UNESCO, 2024, <https://www.uil.unesco.org/en/articles/remission-reading-brazil>.

²⁰"RESOLUÇÃO No 391, DE 10 DE MAIO DE 2021.," Conselho Nacional de Justiça § (2021).

social reintegration.²¹ Interview data also revealed that literacy-based remission programs have the potential to reduce violence, crime, and recidivism.²²

Prior research relevant to this topic includes Syukma R., Azed, and Alamsyah (2023), who examined the implications of Ministerial Regulation Number 7 of 2022 for the fulfillment of remission rights at the Class IIA Correctional facility in Jambi.²³ That study was limited to the implementation of existing rules without proposing any new category of remission or drawing comparisons with international models. Hairi (2018) examined the concept of recidivism in Indonesian criminal law and affirmed the need for substantive reform of the rehabilitation system, but did not offer a literacy-based remission model as a solution.²⁴ Botelho Crochi (2022) conducted an in-depth study of the philosophy of Brazil's literacy remission program under CNJ Resolution 391 of 2021, but did not connect it to the context of Indonesian Correctional Law.²⁵ All three studies confirm the existence of a significant academic gap in the comparative study of the Brazilian and Indonesian remission systems, particularly in responding to the urgency of revising GR 99 of 2012 through the integration of a literacy-based remission framework.

Based on the foregoing, this study formulates the following research questions: (1) Whether the Brazilian literacy-based remission model is legally relevant as a reference for the Indonesian Correctional system, which does not yet recognize literacy as a direct basis for granting remissions? (2) Whether the inconsistency between GR 99 of 2012 and Law 22 of 2022 creates a normative obligation for the state to revise it?

METHOD

This study employs normative legal research method, which seeks not only to identify applicable legal rules and doctrines but also to answer legal issues, and formulate legal prescriptions regarding what the law ought to be.²⁶ The study uses a legislative approach to analyze the inconsistency between Article 10 paragraph (2) of Law 22 of 2022 and GR 99 of 2012. A conceptual approach is used to analyze the concept of remission as a prisoner's right and rehabilitation as a normative goal rather than a punishment, so as to assess whether the applicable regulations are in accordance with the underlying principles. A comparative approach is applied through a functional model to understand how the legal system of Indonesia and Brazil resolves the same problem. Namely, the integration of rehabilitation results into the remission mechanism. The study also uses the concept of legal transplantation to assess the feasibility of adapting Brazil's literacy-based remission model to Indonesia. Brazil is selected as the comparator because both countries operate within civil law traditions and because Brazil

²¹Saulo de Oliveira Pinto Coelho and Liana Antunes Vieira Tormin, "Análise de Resultados Do Programa Remição Da Pena Pela Leitura Em Goiás a Partir de Estudo de Caso Múltiplo Analysis of the Results of the Sentence Remission through Reading Program in Goiás Based on a Multiple Case Study," *Sequência-Estudos Jurídicos E Políticos* 45, no. 96 (2024), <https://doi.org/https://doi.org/10.5007/2177-7055.2024.e99912>.

²²Maiara Corrêa, "A Aplicação Da Remição de Pena Pela Leitura: Discursos e Práticas," *Dilemas: Revista de Estudos de Conflito e Controle Social* 16, no. 2 (2023): e52185, <https://doi.org/10.4322/dilemas.v16.52185>.

²³Dodi Syukma R, Abdul Bari Azed, and Bunyamin Alamsyah, "Implikasi Berlakunya Peraturan Menteri Hukum Dan Hak Asasi Manusia Republik Indonesia Nomor 7 Tahun 2022 Terhadap Pemenuhan Hak Remisi Dan Pembebasan Bersyarat Di Lembaga Pemasyarakatan Kelas IIA Jambi," *Legalitas: Jurnal Hukum* 14, no. 2 (2023): 337, <https://doi.org/10.33087/legalitas.v14i2.378>.

²⁴Prianter Hairi, "Konsep Dan Pembaruan Residivisme Dalam Hukum Pidana Di Indonesia (Concept and Reform of Recidivism in Criminal Law in Indonesia)," *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan* 9 No.2, no. 6 (2018): 199–216, <https://doi.org/10.1371/journal.pone.0130390>.

²⁵Lara Botelho Crochi, "A Remição de Pena Pela Leitura e as Filosofias Re Na Resolução n.º 391 Do Conselho Nacional de Justiça," *Revista Latina Americana de Criminologia* 2, no. 01 (2022): 74–111, <https://periodicos.unb.br/index.php/relac/article/view/44471>.

²⁶Peter Mahmud Marzuki, *Penelitian Hukum Edisi Revisi*, 13th ed. (Jakarta: Kencana, 2017).

provides a clear procedural framework for sentence reduction through reading, supported by a structured verification mechanism.

Three categories of legal materials are used in this study. Primary legal materials consist of Law Number 22 of 2022 on Corrections; Law Number 12 of 1995 on Corrections; Government Regulation Number 99 of 2012 on the second amendment to Government Regulation Number 32 of 1999; Government Regulation Number 31 of 1999 concerning the Guidance and Supervision of Correctional Inmates; Ministerial Regulation Number 12 of 2013 on Risk Assessment and Needs Assessment for Inmates and Correctional Clients; Director General of Corrections Decree Number PAS-31.OT.02.02 of 2021 on the RRI Instrument; Decree of the Director General of Corrections, Ministry of Law and Human Rights of the Republic of Indonesia Number: PAS-10.OT.02.02 of 2021 concerning the Prisoner Development Assessment System; CNJ Resolution Number 391 of 2021; Brazilian Lei de Execução Penal (LEP) Number 7.210 of 1984 as amended by Law Number 12.433 of 2011; and Recomendação N. 44 do CNJ of 2013. Secondary legal materials consist of legal literature discussing the primary legal materials, such as scientific journals, scientific articles, and similar sources. Tertiary legal materials consist of language dictionaries and legal dictionaries.

Legal materials were collected through library research. The analysis uses grammatical interpretation to examine the wording of relevant provisions, systematic interpretation to assess whether the RRI Instrument is normatively connected to the remission mechanism, teleological interpretation to identify the objectives underlying remission provisions, and Comparative interpretation is used to compare Indonesian legal provisions with those applicable in Brazil.

ANALYSIS AND DISCUSSION

The Relevance of Brazil's Literacy-based Remission Program to Indonesian Correctional Law Reform

The Mechanism of Brazil's Literacy-based Remission Program

Brazil is one of the pioneer countries in enacting legislation related to the remission system, which has been carried out well theoretically and has become a source of inspiration for other countries. In the execution of criminal sentences in Brazil, there are three types of remission: through work, through study, through reading.²⁷ Remission is regulated in the Lei de Execução Penal (Law on the Execution of Criminal Sentences) Number 7,210 of 1984, from Article 126 to Article 130. Initially, legislators applied remission only through work; however, the text of the LEP was amended by Law Number 12,433 of 2011. Article 126 of the LEP provides that prisoners may reduce part of their sentence through work or study.²⁸

After the amendment to the LEP in 2011, which began recognizing remission through study, in 2013 sentence remission through reading was recognized by Article 1, V *Recomendação N. 44 do CNJ*, which states: regulate state and federal prison units to provide forms of additional activities in the form of sentence remission through reading for prisoners whose rights to work, education, and professional qualifications are not guaranteed.²⁹ That provision was subsequently repealed following the emergence of *Resolução n.º 391 do CNJ* (CNJ Resolution Number 391 of 2021).

²⁷Corrêa, "A Aplicação Da Remição de Pena Pela Leitura: Discursos e Práticas."

²⁸"LEI N. 7210, DE 11 JULHO DE 1984" (1984).

²⁹"Article 1, V, RECOMENDAÇÃO N. 44" (2013), https://atos.cnj.jus.br/files//recomendacao/recomendacao_44_26112013_27112013160533.pdf.

Article 2 of CNJ Resolution 391 of 2021 categorizes educational social practice into three categories: formal school activities, out-of-school educational social practices, and the reading remission program is set out in detail in Article 5, IV of CNJ Resolution 391 of 2021. Article 5 contains three standardized technical elements: first, the registration for borrowing books must be officially from the prison facility library collection, not personal books that cannot be verified; second, the time period for reading structured books is between 21 and 30 days; and third, after reading, a reading report must be submitted within ten days, in accordance with the guidelines set by the authorized institution. The amount of sentence reduction for inmates who participate in this program is regulated in Article 5, V of CNJ Resolution 391 of 2021, namely that the sentence will be reduced by four days for each work read, with a maximum limit of twelve works read within twelve months, thereby enabling a sentence reduction of up to forty-eight days per year.

The verification component of this program, which ensures that reading reports genuinely reflect active reading by the inmate, is governed by Article 5, §1° of CNJ 391 of 2021. The validation committee evaluates reading reports using three criteria: considering the literacy level and educational background of the prisoners, verifying the authenticity of the authorship to prove that the prisoners themselves wrote the report, and third, the clarity of the text regarding the theme and content of the book being read.³⁰ These three criteria focus on reading verification, not on assessing the character or life plans of prisoners. That provision is set out in Article 5, §1°, III of CNJ Resolution 391 of 2021, which states that “*The validation of the reading report must not take the form of a pedagogical assessment or examination, but must be limited to the verification of reading and must be completed within 30 (thirty) days of the submission of the document by the person deprived of liberty.*”³¹

The composition of the Brazilian Validation Committee is regulated in Article 5, § 1°, I CNJ Resolution 391 of 2021 and is composed of executive members, in particular those related to educational administration bodies, those responsible for educational policy in federal or state prisons, including teachers, librarians working in prisons, independent initiatives, and public or private educational institutions, as well as the inmates themselves or their families. Participation in this committee is voluntary and does not create an employment relationship in accordance with the provisions of Article 5, § 1°, II of CNJ Resolution 391 of 2021.

The multi-stakeholder nature of the Brazilian model is a key advantage, as the assessment is conducted collectively by various stakeholders. This is particularly relevant in Indonesia, where the public often assumes that remissions are only granted to prisoners based on financial resources. This could be a solution for legal reform in Indonesia, as it not only involves other parties to oversee the program but also increases public trust in the Indonesian criminal justice system. Transparency in law enforcement is crucial to prevent irregularities in criminal law enforcement.³²

Based on the above description, there are three normative advantages of Brazil's literacy-based remission program for Indonesia. First, Brazil provides legal certainty through explicit categorization, where literacy is officially recognized as a basis for granting remission. Second, Brazil procedurally eliminates disparities between correctional institutions, a system problem that has historically been dependent on prison policies. Third, Brazil's document-based verification mechanism aligns with the evidence-based principle adopted by Law 22 of 2022.

³⁰Article 5, §1° RESOLUÇÃO No 391, DE 10 DE MAIO DE 2021.

³¹Article 5, §1°, III RESOLUÇÃO No 391, DE 10 DE MAIO DE 2021.

³²Redho Ananta Pratama, “Peran Civil Society Dalam Mendorong Transparansi Proses Penegakan Hukum Pidana Di Indonesia” 4, no. 2 (2026): 5536–43, <http://ejournal.yayasanpendidikandzurriyatulquran.id/index.php/AlZayn/article/view/3779/3262>.

Nevertheless, Brazil's program cannot be adopted wholesale. Crochi critically analyzed CNJ Resolution 391 of 2021 using Zaffaroni's framework and found that the statutory texts underpinning the resolution including the LEP and prison education regulation still employ the terminology of the "re" philosophy: *ressocializar*, *reeducar*, *readaptar*. Crochi, who explicitly cited Zaffaroni, asserts that *ressocialização* is "*absurdo*" and "*claramente desacreditado*" because it is impossible to re-socialize a person through forced detention. Crochi's conclusion is that CNJ Resolution 391 of 2021 and these philosophies operate together "*não explicitamente, mas sim com uma nova roupagem*" (not explicitly, but in a new guise). Crochi simultaneously affirms that this program nevertheless possesses "*enorme potencial em relação à redução de danos*" (enormous potential in terms of harm reduction) from a perspective that upholds human dignity. The implication for adaptation to Indonesia is that the procedural innovation of the validation committee mechanism is worthy of reference, but the philosophical claims of *ressocialização* must be abandoned.³³

Assessment of the Relevance of Brazil's Literacy-based Remission Program for Indonesia

Indonesia adheres to a civil law system, the primary source of which is written and codified law.³⁴ This is in line with Brazil's civil law system, which is regulated by the constitution.³⁵ Functionally, Indonesia and Brazil share the same goal in their correctional systems: the reintegration of prisoners so they can play an active role in society. Indonesia and Brazil share similarities in addressing the challenge of prison overcrowding. To address the problem of overcrowding and encourage social reintegration, Brazil has implemented a literacy-based formalization program.

Literacy activities, such as reading literary works and compiling reading reports in the Brazilian remission program, have a normative basis within the Indonesian legal system. This program falls under the category of development programs, as stipulated in Article 1 Number 10 of Law 22 of 2022, which states that development is an activity aimed at improving the personality and independence of inmates. Development in Indonesia is divided into two categories: personality development and independence development. Article 3 of Government Regulation Number 31 of 1999 concerning the Guidance and Supervision of Correctional Inmates stipulates that this type of development can be intellectual.³⁶ Literacy activities as a requirement for sentence reduction in Brazil fall under the category of personality development, as literacy can shape and improve quality through reading habits, analysis, and the ability to write reviews.

The literacy-based remission program is a form of personality development because it can improve the intellectual abilities of prisoners, as explained in Article 38 of Law 22 of 2022. Furthermore, the literacy-based remission program in Brazil would be in line with its implementation in Indonesia, as Article 9 letter H of Law 22 of 2022 reinforces the normative basis, namely that the state is obliged to provide reading materials and information media as a basic right of prisoners. Based on this regulation, access to books is guaranteed by law, so there is a sufficient normative basis to state that the literacy activities carried out by prisons meet the qualifications of a development program under Law 22 of 2022.

The Brazilian literacy-based remission program is relevant to Indonesian correctional law in three aspects. The first aspect is conceptual relevance. The Brazilian program demonstrates

³³Crochi, "A Remição de Pena Pela Leitura e as Filosofias Re Na Resolução n.º 391 Do Conselho Nacional de Justiça."

³⁴M Hendra Cordova Masputra, "Menerobos Civil Law vs. Common Law 101," Marinews, 2025, <https://marinews.mahkamahagung.go.id/artikel/menerobos-civil-law-vs-common-law-101-0Bq>.

³⁵Keith Mack, "Civil Law In Brazil: A Unique Legal Legacy," Law Shun, 2025, <https://lawshun.com/article/why-brazil-has-civil-law-and-not-common-law>.

³⁶"Peraturan Pemerintah Nomor 31 Tahun 1999 Tentang Pembinaan Dan Pembimbingan Warga Binaan Pemasyarakatan" (1999), <https://peraturan.bpk.go.id/Details/54300>.

that literacy activities can be used as a development category that forms the basis for granting remission, with measurable and legally accountable standards. This could be a conceptual innovation for Indonesian correctional law, given that active participation in a development program must be proven, as stipulated in Law 22 of 2022, which clearly expects tangible outputs. The Brazilian program provides such a model a literacy development program that produces verified outputs. However, GR 99 of 2012 does not yet recognize literacy as a development category that can be used a requirement for granting remissions. According to research by IBOPE, a leading media research leader in Latin America, inmates in Brazil read nine times more than the national average of five books per year. This demonstrates that literacy activities can be a productive platform with institutional support.

Brazil's literacy-based remission program is relevant to Indonesian Penal law in three aspects. The first aspect is conceptually relevant. Education is a constitutional right for prisoners, both in Brazil and Indonesia. Education plays a crucial role as a legislative-criminal policy that drives change and the formation of a different social order. Change in society is impossible without personal transformation.³⁷ Reading is a crucial educational program for individual transformation. Research shows that inmates who read books reflect on issues such as racism, sexual violence, and physical abuse while participating in a remission program in Brazil. This reading program can foster racial and religious tolerance in inmates, and combat gender inequality and sexual violence, thereby reducing violent behavior among both male and female inmates.³⁸

The Brazilian program is conceptually relevant for Indonesia because it categorizes reading activities as development activities that form the basis for granting remission, with measurable standards and legally accountable standards. This Brazilian literacy-based remission program significantly contributes to inmates' reintegration into social life outside of prison. Furthermore, measures such as access to training and personal development programs are used to reduce the likelihood of recidivism.³⁹ According to research by IBOPE, a leader in media research in Latin America, inmates in Brazil read nine times more than the national average of five books per year.⁴⁰ This demonstrates that literacy activities can be a productive outlet with institutional support.

Brazil's literacy-based remission program aims to improve the quality of life for inmates through mentoring. This aligns with Law 22 of 2022, which emphasizes reintegration and human rights protection for prisoners and inmates. Furthermore, the program has shown a 43% reduction in recidivism among participants in prison education programs. An analysis of 27 prison programs showed a reduction in recidivism among inmates who completed one cycle

³⁷Aline Pires de Souza Machado de Castilhos and Roberta Enggert Poll, "A Remição Da Pena Pela Leitura Como Política Criminal De Direitos Humanos," in *Temas de Direitos Humanos Do IX CIDHCoimbra 2024*, ed. Vital Moreira et al., 1st ed. (Campinas / Jundiaí: Editora Brasília / Edições Brasil, 2024), 58–69, https://www.cidhcoimbra.com/_files/ugd/8f3de9_d9f17058c08749e1839c322c10f9dbae.pdf.

³⁸Sandro José Gomes and Suely Aldir Messeder, "Relações de Gênero, Raciais e Sexualidades Em Relatórios de Remição Por Leitura," *Revista Científica Multidisciplinar Núcleo Do Conhecimento*, 2023, 05–24, <https://doi.org/10.32749/nucleodo-conhecimento.com.br/ciencias-sociais/relatorios-de-remicao>.

³⁹Guilherme Augusto Volles and Ana Luisa Fernandes Naatz, "A Remição Da Pena Pela Leitura: Uma Análise Da Resolução Nº 391/2021 Do Conselho Nacional De Justiça E Das Novas Perspectivas De Reinserção Social," *Revista Da ESMESC* 28, no. 34 (2021): 194–220, <https://doi.org/10.14295/revistadaesmesec.v28i34.p194>. a sanção penal tem como objetivo punir o indivíduo responsável pela prática da conduta considerada criminosa e prevenir o cometimento de novos delitos. Seu caráter preventivo não é fundado apenas no medo da punição, mas também na reinserção gradual do indivíduo transgressor na vida em sociedade. Em um Estado de Coisas Inconstitucional, reconhecido pelo Supremo Tribunal Federal e marcado por sucessivas violações aos direitos fundamentais das pessoas presas, é necessário que os órgãos da execução penal incentivem a aplicação de mecanismos capazes de enfrentar as dificuldades do cenário de crise presente. Nesse panorama, a pesquisa busca compreender de que forma a remição da pena pela leitura, após a edição da Resolução nº 391/2021 pelo Conselho Nacional de Justiça (CNJ)

⁴⁰"Publisher Hires Brazilian Prisoners as Book Critics," *Branding News*, 2018, <https://www.branding.news/2018/06/01/publisher-hires-brazilian-prisoners-as-book-critics/>.

of education. In this regard, an education-based approach can significantly reduce recidivism rates.⁴¹

The second aspect is procedural relevance. The Brazilian program provides comprehensive and standardized procedures for reading programs, which are used as a sentence reduction instrument. Indonesia already has procedures related to prisoner development, as stipulated in the Decree of the Director General of Corrections, Ministry of Law and Human Rights of the Republic of Indonesia Number: PAS-10.OT.02.02 of 2021 concerning the Prisoner Development Assessment System (SPPN). Reading activities fall under the category of personality development as an aspect of intellectual development, as stipulated in the SPPN. The results of this development can be used as a consideration for granting remission.⁴²

There are significant differences between the Indonesian and Brazilian systems. Under SPPN, reading is only a behavioral assessment item, and its contribution is not directly linked to the granting of remissions because it depends on the accumulation of behavioral scores conducted internally by correctional officers. This assessment is conducted through behavioral observations, interviews, and document searches, without an independent verification mechanism. Meanwhile, Brazil directly stipulates the provisions regarding the remissions received by inmates after reading books, without relying on the accumulation of other behavioral scores. Brazil has a validation committee consisting of government officials, educational institutions, civil society, and inmates to assess reading reports, not based on observations by internal officers. The procedural relevance of the Brazilian model for Indonesia lies in two aspects: the direct relationship between reading activities and specific sentence reductions, and the existence of an independent verification mechanism that does not rely on subjective assessments by internal officers.

The empirical basis for this relevance is reinforced by the international research findings of Bozick et al. In a meta-analysis collecting 37 years of research data (1980-2017) encompassing 57 studies, they found that inmates who participated in educational programs in correctional facilities were 28% less likely to reoffend compared to those who did not participate in any educational program.⁴³ Chouloupis and Kontompasi affirm that the positive relationship between educational programs in correctional facilities and the reduction of recidivism has been proven consistently across various studies, although the magnitude of the effect depends on the quality of program achievement assessments.⁴⁴

Although Brazil's procedural advantages have been explained above, its adaptation to the Indonesian legal system must consider the obstacles to its implementation. Brazil faces obstacles to implementing literacy-based remission programs, particularly in the Asia-Pacific region, including education, inadequate literacy rates, and poor text production and interpretation skills.⁴⁵ These conditions could also occur in Indonesia, so adaptations must prepare an adequate literacy support mechanism.

⁴¹Emanuelle Sousa Regino and Jaqueline de Kássia Ribeiro de Paiva, "Hidroponia E Remição De Pena Pela Leitura: Os Mecanismos Aplicados No Município De Dianópolis (To) Entre 2024 E 2025 E Os Desafios Da Reinserção Social Dos Ex-Encarcerados," *Revista Ibero-Americana De Humanidades, Ciências E Educação — Rease* 11, No. 5 (2025): 4962–89, <https://doi.org/https://doi.org/10.51891/Rease.V11i5.19420>.

⁴²Pemasyarakatan and RI, Keputusan Direktur Jenderal Pemasyarakatan Kementerian Hukum Dan Hak Asasi Manusia Republik Indonesia Nomor: PAS-10.OT.02.02 Tahun 2021 Tentang Sistem Penilaian Pembinaan Narapidana.

⁴³Robert Bozick et al., "Does Providing Inmates with Education Improve Postrelease Outcomes? A Meta-Analysis of Correctional Education Programs in the United States," *Journal of Experimental Criminology* 14 (2018): 389–428, <https://doi.org/https://doi.org/10.1007/s11292-018-9334-6>.

⁴⁴Georgios Chouloupis and Despoina Kontompasi, "Examining the Relation between Education, Recidivism & Crime Prevention," *Discover Global Society* 3, no. 1 (2025), <https://doi.org/10.1007/s44282-025-00153-0>.

⁴⁵Pedro Pimenta Júnior, "Retirando a Leitura e a Escrita Do Pedestal: Experiências de Remição Pela Leitura Na APAC – Januária," *LinguaTec* 7, no. 1 (2022): 237–48, <https://doi.org/10.35819/linguatec.v7.n1.5781>. realizado em 2021 na APAC – Januária. Nesse ano, ainda sob as contingências pandêmicas, as oficinas foram desenvolvidas a distância.

The third aspect concerns the relevance of the verification mechanism. The Validation Committee in Article 5, § 1º of CNJ Resolution 391 of 2021 is the verification component of the literacy program that ensures reading reports submitted by inmates genuinely originate from active reading activity, not merely a formality. This mechanism is important because it addresses one concrete weakness: when assessment is carried out solely by a single officer who interacts directly with inmates daily, the assessment results become vulnerable and lack objectivity. The CNJ Resolution establishes three clear assessment criteria, namely the quality of writing, the consistency of content with the book, and the clarity of comprehension (*estética textual, fidedignidade, clareza do texto*). The existence of these criteria proves that inmates have genuinely engaged in reading. This is precisely what GR of 2012 does not yet provide. That these assessment criteria have been genuinely implemented is evidenced by the findings of Capulet and Gorski at correctional facilities in Paraná, where reading reports are graded on a scale of 0,0 to 10,0 and must achieve a minimum score of 6,0 in accordance with the official standards of the Paraná Provincial Education Department, not the personal preference of an officer.⁴⁶

The obligation to provide literacy programs in correctional facilities also has an international legal foundation through Rule 104 of *The Nelson Mandela Rules*, which affirms that education programs, including literacy, must be available in correctional facilities and connected to the national education system.⁴⁷ This means that incorporating literacy into the remission requirements in Indonesia is not merely a new idea, but rather consistent with internationally recognized standards. Indonesia does not need to adopt the composition of Brazil's committee exactly. What needs to be adapted is the principle itself, namely that assessment must be based on clear criteria and must not depend on a single daily officer. The assessment panel in Indonesia may consist of educational staff from correctional facilities along with elements from the Community Corrections Office, or Bapas, an institution that already exists and is recognized within Indonesia's Correctional systems. The involvement of Bapas in this regard is not something unfamiliar: Larasati, Munabari, and Sumarwan demonstrate that Bapas has already carried out social research functions whose results are used as considerations by judges in deciding cases.⁴⁸ Therefore, involving Bapas in the assessment of reading reports is merely an extension of an already existing function, not the creation of a new institution or role from scratch.

The limits of the relevance of Brazil's program must be firmly established. First, Indonesia should not emulate Brazil's regulatory issuance mechanism, because CNJ resolutions are issued by a judicial body, whereas remission regulation in Indonesia falls within executive authority through government regulations. Second, the *ressocialização* ideology that still pervades the philosophical underpinnings of the CNJ Resolution must be rejected: Crochi demonstrates that the statutory texts underlying the resolution still employ the terminology of the "*re philosophy*" (*ressocializar, reeducar, readaptar*), which Zaffaroni characterizes as "*absurdo*" and "*claramente desacreditado*" because it is impossible to re-socialize a person through forced detention. Meanwhile, Indonesia's Law 22 of 2022 itself has already established

⁴⁶Kate Cauley and Lais Gorski, "Remição Pela Leitura: The Role of Reading in Brazilian Correctional Facilities," *Journal of Correctional Education* (1974-) 75, no. no.3 (2024): 51–70, <https://www.jstor.org/stable/48807526>.

⁴⁷United Nations, "United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)," *Unodc*, 2015, https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf.

⁴⁸Nadia Utami Larasati, Fahlesa Munabari, and Untung Sumarwan, "Prison Overcrowding: Alternative Sentencing in Indonesia's Draft Criminal Code and Its Consequences on Correctional System," *Udayana Journal of Law and Culture* 6, no. 1 (2022): 42–61, <https://doi.org/10.24843/UJLC.2021.v06.i01.p03>. prison overcrowding is inevitable and leads to the emergence of various problems in prisons. The discourse of alternative sentencing has recently gained increasing prominence in the Indonesian public with a view to addressing such problems amid the ongoing review of the Draft Criminal Code (Rancangan Kitab Undang-Undang Hukum Pidana/ RKUHP

correctional objectives that are more pragmatic, based on genuine change and risk reduction, rather than ideological resocialization claims. Third, it does not need to import Brazil's risk measurement system, because Indonesia already has Ministerial Regulation Number 12 of 2013 on Risk Assessment and Needs Assessment for Inmates and Correctional Clients. In addition, Indonesia already has the RRI instrument through the Director General of Corrections Decree Number PAS-31.OT.02.02 of 2021 and the Director General of Corrections Decree Number: PAS-10.OT.02.02 of 2021

What is relevant to adapt is: (1) the concept of literacy as an official category of personality development rehabilitation program serving as the basis for remission; (2) The three-element procedural technical architecture ; and (3) the standardized verification principle that does not depend on a single internal officer.

The Urgency of Revising the Remission Provisions in Government Regulation Number 99 of 2012 in Light of Law Number 22 of 2022

Direct Textual Comparison: Two Requirements of Law Number 22 of 2022 Not Yet Present in GR 99 of 2012

The urgency of revising GR 99 of 2012 is demonstrated by a contextual comparison. Article 14, paragraph (1) letter i of Law 12 of 1995 stipulates that remission is a right of prisoners. This provision does not contain conditions for granting remission, so the GR, as the implementing regulation of the law, stipulates remission requirements for prisoners. There are significant differences between GR 99 of 2012 and Law 22 of 2022 regarding the requirements for granting remission. Where the requirements to actively participate in a development program stand alone as a requirement for remission, as well as a reduction in the risk level. Meanwhile, in the GR, the requirement to actively participate in a development program is evidence to obtain a predicate of good behavior. There are fundamental differences between the two regulations. Law 22 of 2022 places more emphasis on the risk-based correctional policy paradigm, requiring measurable evidence of change for prisoners, while GR 99 of 2012 used a behavior-based paradigm that only requires the absence of disciplinary violations.

This paradigm shift is consistent with the view of Jhody, who asserts that remission, assimilation, and parole are inseparable parts of the rehabilitation and social reintegration of inmates, and that differentiation in rehabilitation can only be justified with respect to the form or model of rehabilitation, not with respect to the granting of inmates' rights themselves.⁴⁹ That GR 99 of 2012 harbors serious normative problems has been judicially confirmed: Jhody notes that the Supreme Court, through its ruling in October 2021, declared several provisions in that Government Regulation to conflict with the higher correctional law above it.⁵⁰ With the enactment of Law 22 of 2022, which brings about a more fundamental paradigm shift, the urgency of revising that Government Regulation has become increasingly impossible to defer. The impact has also been felt in practice. Utomo et al. found that as of January 2024, the implementing regulation of Law 22 of 2022 had not yet been enacted, leaving correctional facilities in Indonesia without clear rules to carry out the new remission requirements.⁵¹ Manggala argues that the regulation of remission, scattered across various rules and not comprehensively

⁴⁹Puguh Setyawan Setyawan Jhody, "The Discourse of Granting The Rights of Prisoners in Indonesia: The Legal Political Issue and Future Challenges," *Journal of Law and Legal Reform* 3, no. 3 (2022): 267–94, <https://doi.org/10.15294/jllr.v3i3.55979>.

⁵⁰Jhody.

⁵¹Buyung Utomo Saputro, Hisbul Luthfi Ashsyarofi, and Yandri Radhi Anadi, "Analisa Yuridis Pelaksanaan Remisi Menurut Undang-Undang Nomor 22 Tahun 2022 Tentang Pemasyarakatan (Studi Kasus Di Lembaga Pemasyarakatan Perempuan Kelas IIA Malang)," *DINAMIKA* 30, no. 2 (2024): 10290–310, [https://www.bing.com/search?pglt=299&q=Analisa+Yuridis+Pelaksanaan+Remisi+Menurut+Undang-Undang+Nomor+22+Tahun+2022+Tentang+Pemasyarakatan+\(Studi+Kasus+Di+Lembaga+Pemasyarakatan+Perempuan+Kelas+IIA+Malang\)&cvid=8aa968eac20b41b3a0997674a8d90be5&gs_lcrp=EgR](https://www.bing.com/search?pglt=299&q=Analisa+Yuridis+Pelaksanaan+Remisi+Menurut+Undang-Undang+Nomor+22+Tahun+2022+Tentang+Pemasyarakatan+(Studi+Kasus+Di+Lembaga+Pemasyarakatan+Perempuan+Kelas+IIA+Malang)&cvid=8aa968eac20b41b3a0997674a8d90be5&gs_lcrp=EgR).

arranged, in fact creates room for conflicting legal norms that may be detrimental to the rights of inmates.⁵²

Concrete Legal Consequences of the Regulatory Gap

The legal consequences of regulatory gaps (disharmonization) can lead to differences in interpretation and implementation, legal uncertainty, resulting in laws and regulations not being implemented effectively and efficiently, and legal dysfunction.⁵³ The first consequence is that it can lead to differences in interpretation and implementation. Prison officers may misinterpret applicable regulations because prisons lack clear parameters for monitoring inmates. The second consequence is legal uncertainty. Misinterpretations by prison officers inevitably result in a lack of legal certainty, as assessments rely on individual discretion, potentially resulting in inconsistent decisions.

The third consequence is ineffective legal regulations. Law 22 of 2022 requires risk reduction as the basis for remission, but the GR does not yet regulate this. This regulation cannot be optimally implemented, even though Indonesia already has a risk reduction assessment instrument, namely the Decree of the Director General of PAS-31.OT.02.02 of 2021 concerning the RRI Instrument. This instrument is used to assess the risk of recidivism, but the results of the risk assessment are used as a guide for developing rehabilitation programs and implementing reintegration.⁵⁴ Therefore, this instrument is still not connected to the requirements for granting remission in Law 22 of 2022.

The fourth legal consequence is legal dysfunction, meaning the law cannot serve as a guideline, a vehicle for resolution, or a vehicle for social change.⁵⁵ Disharmonious laws and regulations will undoubtedly create uncertainty about which rules should be applied. Furthermore, existing regulations cannot serve as a vehicle for social change. This is evident in the failure to achieve the objective of actively participating in rehabilitation programs as a means of reintegration. There should be clear procedures to link these rules to the granting of remission.

Based on the comparative analysis, this study formulates three normative reconstructions that serve as the basis for revising GR 99 of 2012. First, the revised GR must explicitly establish literacy activities as a development category that serves as the basis for remission, following the Brazilian model, as established in Article 2 of CNJ Resolution 391 of 2021, which establishes literacy as a separate category. The Brazilian model demonstrates that this categorization plays a role in providing legal certainty in the development-based remission system. Second, the GR must link the RRI Instrument with the remission mechanism. This allows a measurable reduction in the risk level to serve as the basis for granting remission. This integration will operationalize the risk-based correctional policy paradigm in Law 22 of 2022. Third, it should adapt the three procedural elements and the Brazilian validation commission mechanism, which is based on written, multi-stakeholder criteria. It should include a literacy assistance mechanism to address structural barriers, such as low inmate literacy rates. This standardization is crucial to prevent disparities between correctional institutions and ensure that inmates receive equal treatment.

⁵²Manggala Gita Arief Sulistiyatna, "Hak Remisi Dan Asimilasi Narapidana Di Indonesia Dalam Perspektif Hak Asasi Manusia," *Jurnal Lex Renaissance* 6, no. 1 (2021): 57–77, <https://doi.org/10.20885/jlr.vol6.iss1.art5> as well as the arrangement is ideal in the perspective of human rights.

⁵³Evi Hastuti, Fence Wantu, and Lusiana Margareth Tijow, "Penyelesaian Disharmonisasi Peraturan Perundang-Undangan Melalui Mediasi," *Gorontalo Law Review* 3, no. 2 (2020): 137–52, <https://doi.org/https://doi.org/10.32662/golrev.v3i2.983>.

⁵⁴"Keputusan Direktur Jenderal Pemasyarakatan Kementerian Hukum Dan Hak Asasi Manusia Republik Indonesia Nomor PAS-31.OT.02.02 Tahun 2021 Tentang Instrumen Asesmen Risiko Residivisme Indonesia Dan Instrumen Asesmen Kebutuhan Kriminogenik Bagi Narapidana Dan Klien Pemasyarakatan versi 02 Tahun 2021" 2021.

⁵⁵Hastuti, Wantu, and Tijow, "Penyelesaian Disharmonisasi Peraturan Perundang-Undangan Melalui Mediasi."

CONCLUSION

The Brazilian literacy-based remission model is normatively relevant for correctional law reform in Indonesia because it shares the same goal: prisoners' reintegration. The Brazilian model's normative advantages lie in three aspects: conceptual relevance, procedural relevance, and objectivity of verification. Its adaptation for Indonesia must reject the underlying ideology *ressocialização* and instead adhere to the rehabilitative principles of Law 22 of 2022. GR 99 of 2012 must be immediately revised because regulatory gaps can lead to legal uncertainty, legal dysfunction, and interpretative disparity in its implementation.

Theoretically, this research contributes to the development of a functional comparison model in correctional law, particularly in assessing the feasibility of adopting laws between civil law systems. In Policy terms, the research offers a normative framework for policymaking to revise GR 99 of 2012 by integrating explicit categorization, standardization, and integration of the RRI Instrument into the remission mechanism.

BIBLIOGRAPHY

- Alfadino, Ferest. "Analisis Penanggulangan Dampak Over Kapasitas Dalam Pelaksanaan Pembinaan Warga Binaan Pada Lapas Cipinang." *Edu Society: Jurnal Pendidikan, Ilmu Sosial Dan Pengabdian Kepada Masyarakat* 5, no. 3 (2025): 98–104. <https://doi.org/10.56832/edu.v5i3.1754>.
- Andrews, D.A, and James Bonta. *The Psychology of Criminal Conduct*. 5th ed. New Providence, NJ: Matthew Bender & Company Inc, 2010.
- Bozick, Robert, Jennifer Steele, Lois Davis, and Susan. "Does Providing Inmates with Education Improve Postrelease Outcomes? A Meta-Analysis of Correctional Education Programs in the United States." *Journal of Experimental Criminology* 14 (2018): 389–428. <https://doi.org/https://doi.org/10.1007/s11292-018-9334-6>.
- Castilhos, Aline Pires de Souza Machado de, and Roberta Enggert Poll. "A Remição Da Pena Pela Leitura Como Política Criminal De Direitos Humanos." In *Temas de Direitos Humanos Do IX CIDHCoimbra 2024*, edited by Vital Moreira, Jónatas Machado, Carla de Marcelino Gomes, Catarina Gomes, César Augusto Ribeiro Nunes, and Leopoldo Rocha Soares, 1st ed., 58–69. Campinas / Jundiaí: Editora Brasília / Edições Brasil, 2024. https://www.cidhcoimbra.com/_files/ugd/8f3de9_d9f17058c08749e1839c322c10f9dbae.pdf.
- Cauley, Kate, and Lais Gorski. "Remição Pela Leitura: The Role of Reading in Brazilian Correctional Facilities." *Journal of Correctional Education* (1974-) 75, no. no.3 (2024): 51–70. <https://www.jstor.org/stable/48807526>.
- Chloupis, Georgios, and Despoina Kontompasi. "Examining the Relation between Education, Recidivism & Crime Prevention." *Discover Global Society* 3, no. 1 (2025). <https://doi.org/10.1007/s44282-025-00153-0>.
- Coelho, Saulo de Oliveira Pinto, and Liana Antunes Vieira Tormin. "Análise de Resultados Do Programa Remição Da Pena Pela Leitura Em Goiás a Partir de Estudo de Caso Múltiplo Analysis of the Results of the Sentence Remission through Reading Program in Goiás Based on a Multiple Case Study." *Seqüência-Estudos Jurídicos E Políticos* 45, no. 96 (2024). <https://doi.org/https://doi.org/10.5007/2177-7055.2024.e99912>.

- Corrêa, Maiara. “A Aplicação Da Remição de Pena Pela Leitura: Discursos e Práticas.” *Dilemas: Revista de Estudos de Conflito e Controle Social* 16, no. 2 (2023): e52185. <https://doi.org/10.4322/dilemas.v16.52185>.
- Crochi, Lara Botelho. “A Remição de Pena Pela Leitura e as Filosofias Re Na Resolução n.º 391 Do Conselho Nacional de Justiça.” *Revista Latina Americana de Criminologia* 2, no. 01 (2022): 74–111. <https://periodicos.unb.br/index.php/relac/article/view/44471>.
- Enggarsasi, Umi, and Atet Sumanto. “Pemberian Remisi Terhadap Narapidana Di Lembaga Pemasyarakatan.” *PERSPEKTIF: Kajian Masalah Hukum Dan Pembangunan* XX, no. 2 (2015): 128–35. <https://doi.org/https://doi.org/10.30742/perspektif.v20i2.136>.
- Gita Arief Sulistiyatna, Manggala. “Hak Remisi Dan Asimilasi Narapidana Di Indonesia Dalam Perspektif Hak Asasi Manusia.” *Jurnal Lex Renaissance* 6, no. 1 (2021): 57–77. <https://doi.org/10.20885/jlr.vol6.iss1.art5>.
- Gomes, Sandro José, and Suely Aldir Messeder. “Relações de Gênero, Raciais e Sexualidades Em Relatórios de Remição Por Leitura.” *Revista Científica Multidisciplinar Núcleo Do Conhecimento*, 2023, 05–24. <https://doi.org/10.32749/nucleodoconhecimento.com.br/ciencias-sociais/relatorios-de-remicao>.
- Hairi, Prianter. “Konsep Dan Pembaruan Residivisme Dalam Hukum Pidana Di Indonesia (Concept and Reform of Recidivism in Criminal Law in Indonesia).” *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan* 9 No.2, no. 6 (2018): 199–216. <https://doi.org/10.1371/journal.pone.0130390>.
- Hamja. “Implikasi Overcrowding Terhadap Lembaga Pemasyarakatan Di Indonesia.” *Mimbar Hukum Universitas Gadjah Mada* 34, no. 1 (2022): 296–324. <https://doi.org/https://doi.org/10.22146/mh.v34i1.2495>.
- Hastuti, Evi, Fence Wantu, and Lusiana Margareth Tijow. “Penyelesaian Disharmonisasi Peraturan Perundang-Undangan Melalui Mediasi.” *Gorontalo Law Review* 3, no. 2 (2020): 137–52. <https://doi.org/https://doi.org/10.32662/golrev.v3i2.983>.
- Hendra Cordova Masputra, M. “Menerobos Civil Law vs. Common Law 101.” *Marinews*, 2025. <https://marinews.mahkamahagung.go.id/artikel/menerobos-civil-law-vs-common-law-101-0Bq>.
- Indonesia, Republik. “Peraturan Menteri Hukum Dan HAM RI Nomor 12 Tahun 2013 Tentang Assessment Risiko Dan Assessment Kebutuhan Bagi Narapidana Dan Klien Pemasyarakatan,” no. 445 (2013): 1–9.
- Jhody, Puguh Setyawan Setyawan. “The Discourse of Granting The Rights of Prisoners in Indonesia: The Legal Political Issue and Future Challenges.” *Journal of Law and Legal Reform* 3, no. 3 (2022): 267–94. <https://doi.org/10.15294/jllr.v3i3.55979>.
- “Keputusan Direktur Jenderal Pemasyarakatan Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia Nomor PAS-31.OT.02.02 Tahun 2021 Tentang Instrumen Asesmen Risiko Residivisme Indonesia dan Instrumen Asesmen Kebutuhan Kriminogenik Bagi Narapidana Dan Klien Pemasyarakatan versi 02 Tahun 2021” 2021.
- Keputusan Presiden Nomor 174 Tahun 1999 tentang Remisi (1999).
- Larasati, Nadia Utami, Fahlesa Munabari, and Untung Sumarwan. “Prison Overcrowding: Alternative Sentencing in Indonesia’s Draft Criminal Code and Its Consequences on Correctional System.” *Udayana Journal of Law and Culture* 6, no. 1 (2022): 42–61.

<https://doi.org/10.24843/UJLC.2021.v06.i01.p03>.

LEI N. 7210, DE 11 JULHO DE 1984 (1984).

Mack, Keith. "Civil Law In Brazil: A Unique Legal Legacy." Law Shun, 2025. <https://lawshun.com/article/why-brazil-has-civil-law-and-not-common-law>.

Marzuki, Peter Mahmud. *Penelitian Hukum Edisi Revisi*. 13th ed. Jakarta: Kencana, 2017.

Nations, United. "United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)." *Unodc*, 2015. https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf.

Pemasyarakatan, Direktorat Jenderal. "Kemenkumham Kaji Pemberian Remisi Bagi Napi Yang Rajin Membaca," 2018. <https://www.ditjenpas.go.id/kemenkumham-kaji-pemberian-remisi-bagi-napi-yang-rajin-membaca>.

Pemasyarakatan, Direktorat Jenderal, and Kementerian Hukum dan HAM RI. Keputusan Direktur Jenderal Pemasyarakatan Kementerian Hukum Dan Hak Asasi Manusia Republik Indonesia Nomor: PAS-10.OT.02.02 Tahun 2021 Tentang Sistem Penilaian Pembinaan Narapidana (2021). <https://www.ditjenpas.go.id/standar-sistem-penilaian-pembinaan-narapidana-sppn>.

Peraturan Pemerintah Nomor 31 Tahun 1999 tentang Pembinaan dan Pembimbingan Warga Binaan Pemasyarakatan (1999). <https://peraturan.bpk.go.id/Details/54300>.

Peraturan Pemerintah Republik Indonesia Nomor 99 Tahun 2012 Tentang Perubahan Kedua Atas Peraturan Pemerintah Nomor 32 Tahun 1999 Tentang Syarat Dan Tata Cara Pelaksanaan Hak Warga Binaan Pemasyarakatan (2012).

Pimenta Júnior, Pedro. "Retirando a Leitura e a Escrita Do Pedestal: Experiências de Remição Pela Leitura Na APAC – Januária." *LínguaTec* 7, no. 1 (2022): 237–48. <https://doi.org/10.35819/linguatec.v7.n1.5781>.

Pratama, Redho Ananta. "Peran Civil Society Dalam Mendorong Transparansi Proses Penegakan Hukum Pidana Di Indonesia" 4, no. 2 (2026): 5536–43. <http://ejournal.yayasanpendidikandzurriyatulquran.id/index.php/AlZayn/article/view/3779/3262>.

Pratiwi, Destia, and Ahmad Fauzi. "Pendidikan Keaksaraan Di Lapas Kelas Iii Rangkasbitung: Upaya Meningkatkan Literasi Bagi Warga Binaan." *AL-DYAS* 4, no. 2 (2025): 1118–30. <https://doi.org/https://doi.org/10.58578/aldyas.v4i2.6033>.

"Publisher Hires Brazilian Prisoners as Book Critics." *Branding News*, 2018. <https://www.branding.news/2018/06/01/publisher-hires-brazilian-prisoners-as-book-critics/>.

R, Dodi Syukma, Abdul Bari Azed, and Bunyamin Alamsyah. "Implikasi Berlakunya Peraturan Menteri Hukum Dan Hak Asasi Manusia Republik Indonesia Nomor 7 Tahun 2022 Terhadap Pemenuhan Hak Remisi Dan Pembebasan Bersyarat Di Lembaga Pemasyarakatan Kelas IIA Jambi." *Legalitas: Jurnal Hukum* 14, no. 2 (2023): 337. <https://doi.org/10.33087/legalitas.v14i2.378>.

RECOMENDAÇÃO N. 44 (2013).

Regino, Emanuelle Sousa, and Jaqueline de Kássia Ribeiro de Paiva. "Hidroponia E Remição De Pena Pela Leitura: Os Mecanismos Aplicados No Município De Dianópolis (To) Entre 2024 E 2025 E Os Desafios Da Reinserção Social Dos Ex-Encarcerados." *Revista Ibero-Americana de Humanidades, Ciências e Educação — REASE* 11, no. 5

- (2025): 4962–89. <https://doi.org/https://doi.org/10.51891/rease.v11i5.19420>.
- “Remission for Reading, Brazil.” UNESCO, 2024. <https://www.uil.unesco.org/en/articles/remission-reading-brazil>.
- RESOLUÇÃO No 391, DE 10 DE MAIO DE 2021., Conselho Nacional de Justiça § (2021).
- Saputro, Buyung Utomo, Hisbul Luthfi Ashsyarofi, and Yandri Radhi Anadi. “Analisa Yuridis Pelaksanaan Remisi Menurut Undang-Undang Nomor 22 Tahun 2022 Tentang Pemasyarakatan (Studi Kasus Di Lembaga Pemasyarakatan Perempuan Kelas IIA Malang).” *DINAMIKA* 30, no. 2 (2024): 10290–310. [https://www.bing.com/search?pglt=299&q=Analisa+Yuridis+Pelaksanaan+Remisi+Menurut+Undang-Undang+Nomor+22+Tahun+2022+Tentang+Pemasyarakatan+\(Studi+Kasus+Di+Lembaga+Pemasyarakatan+Perempuan+Kelas+IIA+Malang\)&cvid=8aa968eac20b41b3a0997674a8d90be5&gs_lcrp=EgR](https://www.bing.com/search?pglt=299&q=Analisa+Yuridis+Pelaksanaan+Remisi+Menurut+Undang-Undang+Nomor+22+Tahun+2022+Tentang+Pemasyarakatan+(Studi+Kasus+Di+Lembaga+Pemasyarakatan+Perempuan+Kelas+IIA+Malang)&cvid=8aa968eac20b41b3a0997674a8d90be5&gs_lcrp=EgR).
- Sulhin, Iqraq. “Corrections (Pemasyarakatan) after Law Number 22 of 2022: New Principles and Policy Identification Regarding the Functions of Probation and Parole Offices.” *Jurnal Ilmiah Kebijakan Hukum* 16, no. 3 (2022): 457–78. <https://doi.org/10.30641/kebijakan.2022.v16.457-478>.
- Undang-Undang Nomor 22 Tahun 2022 tentang Pemasyarakatan (2022).
- Volles, Guilherme Augusto, and Ana Luisa Fernandes Naatz. “A Remição Da Pena Pela Leitura: Uma Análise Da Resolução N° 391/2021 Do Conselho Nacional De Justiça E Das Novas Perspectivas De Reinserção Social.” *Revista Da ESMESC* 28, no. 34 (2021): 194–220. <https://doi.org/10.14295/revistadaesmesec.v28i34.p194>.
- Wahai, Lapas Kelas III. “Literasi Di Balik Jeruji, Perpustakaan Lapas Wahai Jadi Sarana Edukasi Warga Binaan,” 2026. <https://indonesiatimur.co/2026/02/11/literasi-di-balik-jeruji-perpustakaan-lapas-wahai-jadi-sarana-edukasi-warga-binaan/>.
- Zatnika, Iis. “Kelebihan Kapasitas Di Lapas Dan Rutan Capai 89,64%.” *Media Indonesia*, 2025. <https://mediaindonesia.com/politik-dan-hukum/794252/kelebihan-kapasitas-di-lapas-dan-rutan-capai-8964->.