

Analysis of Abolition Opportunities for Johenas Gluba Gebze in Indonesian Legal Perspective

Nasri Wijaya^{1*}

¹ Faculty of Law, Musamus University, Merauke, Indonesia

*Corresponding Author: nasri_fh@unmus.ac.id

Abstract

This study aims to analyze the chances of Johannes Gluba Gebze, the former Regent of Merauke who was convicted of corruption, obtaining abolition. This study explores the legal and political aspects that influence the granting of abolition in Indonesia, and evaluates the factors that may support or hinder Johannes Gluba Gebze's application for abolition. The methodology used is a qualitative approach with normative juridical analysis. The results show that the process of granting abolition is strongly influenced by political dynamics and applicable law enforcement policies. In conclusion, although there is an opportunity for Johannes Gluba Gebze to obtain abolition, the process requires in-depth and comprehensive consideration from various related parties.

Paper Type: Research Article

Keywords: Abolition; Corruption; Politics

Note: The total of word accounts in the abstract should not be more than 300 words



Copyright ©2024 by Author(s); This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License. All writings published in this journal are the personal views of the authors and do not represent the views of this journal and the author's affiliated institutions.

Introduction

Abolition is a form of pardon granted by the President of the Republic of Indonesia to a convicted person, which aims to remove all or part of the sentence that has been imposed by the court. The case of Johannes Gluba Gebze, the former Regent of Merauke who was involved in a corruption case, is in the spotlight due to the possibility of an abolition request. This research aims to explore the various factors that influence Johannes Gluba Gebze's chances of obtaining abolition, including normative juridical analysis and the political dynamics involved. In addition, this research also compares this case with several similar cases that have received abolition in Indonesia. This

research is expected to provide a deeper insight into the process and opportunities for granting abolition in Indonesia.

The background to the Johanes Gluba Gebze case stems from allegations of corruption that cost the state Rp 18 billion. This case became a public concern and attracted various reactions, both from the public and from legal circles. The granting of abolition in Indonesia is the prerogative of the President as stipulated in Article 14 paragraph (2) of the 1945 Constitution of the Republic of Indonesia. However, the process of granting abolition must go through various stages, including recommendations from the Supreme Court and considerations from the Minister of Law and Human Rights.

This research will examine in depth the factors that may influence the decision to grant abolition to Johanes Gluba Gebze. Some of the factors that will be discussed include: juridical analysis of abolition, political factors that influence decisions, as well as comparative studies with similar cases in Indonesia. With this approach, it is hoped that this research can provide a comprehensive and in-depth view of Johanes Gluba Gebze's chances of obtaining abolition.

Methodology

The research approach used in this study is qualitative with normative juridical analysis. Data was obtained through document studies, including laws, court decisions, academic literature, and interviews with legal experts. Data analysis techniques include description, comparative analysis, and juridical interpretation to evaluate Johanes Gluba Gebze's chances of obtaining abolition. This research methodology consists of several stages, namely:

1. **Data Collection:** Data was collected from various sources, including court decisions, relevant laws, academic literature, and interviews with legal and political experts. Primary data sources included legal documents and court decisions, while secondary data sources included academic literature and journal articles.
2. **Data Analysis:** The data that has been collected is analyzed using a normative juridical approach. This analysis involved examining the various legal aspects associated with the process of granting abolition, as well as the political factors that could influence the decision.
3. **Comparative Study:** This study compares the case of Johanes Gluba Gebze with several similar cases in Indonesia that have received abolition. The purpose of this comparative study is to identify patterns and factors that influence abolition decisions in different contexts.
4. **Interpretation and Conclusions:** The results of the data analysis and comparative study were then interpreted to develop conclusions and recommendations. This interpretation was done by considering the various legal and political factors identified earlier.

Results and Discussion

Juridical Analysis of Abolition

Abolition is the prerogative of the President, granted based on recommendations from the Supreme Court and considerations from the Minister of Law and Human Rights. The process involves an in-depth assessment of various factors, including social, political and legal impacts.

In the context of Indonesian law, abolition is regulated in Article 14 paragraph (2) of the 1945 Constitution of the Republic of Indonesia. However, the implementation of abolition must go through strict procedures and involve various related parties. In the case of Johanes Gluba Gebze, the juridical analysis involves an examination of the court decision that sentenced him for his corruption. The Supreme Court decision number 942.K/Pid.Sus/2015 stated that Johanes Gluba Gebze was legally and convincingly proven to have committed a corruption crime that cost the state IDR 18 billion. In this context, juridical analysis also involves an examination of the various laws and regulations related to the sentencing process.

Abolition is a political and legal form of pardon, which aims to abolish or reduce the punishment that has been imposed. In Indonesian legal history, abolition has often been used as a tool to achieve political stability and national reconciliation. However, the process of granting abolition must be based on the principles of fairness and transparency, and take into account the broader interests of the law.

Johanes Gluba Gebze Case

Johanes Gluba Gebze was sentenced for corruption that cost the state Rp 18 billion. The court decision in this case was number 942.K/Pid.Sus/2015. An analysis of this case shows that there are several factors that can support or hinder an abolition request, including legal track record, political support, and public opinion.

This case caught the public's attention because it involved a former public official who had great influence in his area. In addition, the case also attracted attention because it involved a significant amount of state losses. In this analysis, the author also examines the various public and media reactions to this case, as well as its impact on the law enforcement process in Indonesia. Factors that affect Johanes Gluba Gebze's chances of obtaining abolition include:

Recommendation from the Supreme Court: The Supreme Court must recommend abolition based on a legal evaluation. In this context, the Supreme Court's

recommendation is very important as it becomes the legal basis for the President to grant abolition.

Consideration of the Minister of Law and Human Rights: The Minister of Law and Human Rights considers legal, social, and political aspects. This consideration involves an assessment of the social and political impact of granting abolition, as well as the broader legal interests. Presidential Decree: The President has full authority to grant abolition based on the recommendations and considerations. This decision is also influenced by various political factors and prevailing policies.

Factors Affecting the Granting of Abolition

Factors that influence the granting of abolition include: Recommendation from the Supreme Court: The Supreme Court must recommend abolition based on legal evaluation. In this context, the recommendation of the Supreme Court is very important because it becomes the legal basis for the President to grant abolition.

Consideration of the Minister of Law and Human Rights: The Minister of Law and Human Rights considers legal, social and political aspects. This involves assessing the social and political impact of granting abolition, as well as the broader interests of the law.

Presidential Decree: The President has full authority to grant abolition based on recommendations and considerations. This decision is also influenced by various political factors and prevailing policies.

In this context, the analysis also involves examining the various factors that influence the decision to grant abolition, including political dynamics, public opinion, and national interests. This study shows that while abolition can be a solution for some cases, transparency and fairness in the law enforcement process must be maintained.

Factors Affecting the Granting of Abolition

This study compares the case of Johanes Gluba Gebze with several similar cases in Indonesia that have received abolition. The comparison shows that political dynamics and public support play an important role in the decision to grant abolition. Some of the cases compared in this study include cases of former officials who were involved in corruption crimes and received abolition after going through a long legal process.

In this context, the comparative study also examined the various factors that influence the decision to grant abolition, including legal track record, political support, and public reaction. This study shows that while abolition can be a solution for some cases, transparency and fairness in the law enforcement process must be maintained.

Conclusion

Johanes Gluba Gebze's chances of obtaining abolition are heavily influenced by legal and political factors. Although there are opportunities, this process requires in-depth and comprehensive consideration from various relevant parties. This research concludes that although abolition can be a solution for some cases, transparency and fairness in the law enforcement process must be maintained. In the context of Johanes Gluba Gebze's case, there are several factors that can support an abolition request, including a recommendation from the Supreme Court, consideration from the Minister of Law and Human Rights, and a decision from the President. However, there are also several factors that can hinder the opportunity, such as negative public opinion and unfavorable political dynamics.

References

- A. S. Wijaya, 2018, *Hukum Pidana dan Pengampunan di Indonesia*, Penerbit Andi.
- I. Soebandono, 2017, *Korupsi di Indonesia: Sejarah, Dampak, dan Penanggulangan*, Penerbit Gramedia.
- Kasus Korupsi Johanes Gluba Gebze: Kronologi dan Dampaknya, *kompas.com*, 2023.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
- Putusan Mahkamah Agung nomor 942.K/Pid.Sus/2015.
- Peraturan Presiden Republik Indonesia Nomor 5 Tahun 2015 tentang Tata Cara Pemberian Abolisi.