RESTRICTION OF CRIMINAL RIGHTS OF CORRUPTION FOLLOWING PUNISHMENT IN KUPANG CORRECTIONAL INSTITUTIONS IN TERMS OF JUSTICE PERSPECTIVES

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ABSTRACT

Remission is the right of prisoners, therefore, in legal state everyone is treated similarly. When a person is not able to make money as a substitute for a criminal fine, so convict can succeed him to live a criminal supplementary criminal confinement. As for the problem studied is whether the restriction of the right of remission operated in law in a correctional institution reflects a sense of justice and the same treatment before the law. This research is ofnormative law type. The results of the study found that there is unequal legal treatment for convict that cannot afford to pay the replacement and criminal penalties but to replace it with a supplementary criminal imprisonment. It is suggested that there should have been reformulation about remission rules for women involved in criminal acts of corruption.

Key Words: Right Of Convicts, The Restriction Of The Right, Remission, Criminal Acts Of Corruption

INTRODUCTION

Indonesia is a state of law expressly stated in the preamble and body of the 1945 Constitution of the Republic of Indonesia. Furthermore, in the Elucidation of the 1945 Constitution of the Republic of Indonesia also stated that "The State of Indonesia is a state based on law (rechstaat) not based on over mere power (machstaat) ". The law is a whole collection of rules in a shared life that can be enforced with a sanction. (Mertokusumo, 2003: 20).

Based on the brief description above, every person who is legally proven based on a court decision to commit a criminal act of corruption will undergo punishment or conviction in a penitentiary. For the Indonesian nation based on Pancasila, thoughts about the function of punishment are not merely on the aspect of deterrence, but also some rehabilitation and social reintegration of Penitentiary Fostered Citizens has given birth to a formation system known and named as the Correctional System. Therefore, the penitentiary system is a set of criminal law enforcement units, which means that its implementation cannot be separated from the development of a general conception of punishment.

The implementation of Prisoners' Guidance by the Correctional Institution adheres to the principle of "equality of treatment and service" which in its explanation has the meaning of providing equal treatment and service to the Prisoners without being discriminating. Guidance for inmates is a form of government or state service to inmates. Penitentiary is a government agency that performs public services to the community. The community referred to here is not only the people who are outside but also the people within the Penitentiary.

This indicates that both the people outside and inside the Penitentiary are equally protected by the state and guaranteed their rights by the state. Therefore, the most important thing in fostering prisoners in prison is the existence of equal rights among all prisoners or inmates. Based on this description, the penal system is a human rights enforcement that prioritizes legal services and fostering prisoners. Legal services and Guiding Prisoners are government public services provided to Prisoners and one form of service is remission. In order to create good governance and good governance, arrangements for guiding prisoners are regulated in one rule and implementing guidelines for the creation of good services.

Remission is one of the rights of inmates when the prisoner is based on observations said to be of good behavior and deserves remission. As for the rights possessed by Penitentiary-guided citizens regulated in article 14 paragraph (1) of the Law of the Republic of Indonesia Number 12 of 1995 concerning Corrections, namely:

1. Doing worship according to their religion or beliefs;
2. Getting care both physical care and spiritual care;
3. Getting education and teaching;
4. Obtaining adequate health and food services;
5. Making a complaint;
6. Obtaining reading material and following other mass media broadcasts that are not prohibited;
7. Obtain wages and premiums for work performed;
8. Receiving family visits, legal counsel, or certain other people;
9. Get a reduced sentence (remission);
10. Get the opportunity to assimilate including family visit leave;
11. Get parole;

12. Getting leave before free;
13. Obtain other rights in accordance with applicable laws and regulations.

The granting of remissions for Prisoners has been clearly regulated in the Law of the Republic of Indonesia Number 12 of 1995 concerning Corrections. The Penitentiary Law explains that remissions are given to all convicts and criminal children who have fulfilled the requirements regardless of the background of the criminal offenses committed. Corruption Prisoners are Correctional Prisoners have the same rights as other Prisoners in Correctional Institutions, as well as the right to get remission. In general, remissions are given based on two conditions, namely:

1. Conduct good behavior while in Correctional Institutions, and
2. Has served a minimum sentence of six months calculated from the date of detention in accordance with Presidential Decree No. 174 of 1999 concerning Remission.

Referring to the description above, prospective researchers can conclude that the granting of remission is a tangible form of the existence of human rights enforcement so that in the rule of law remission is said to be one of the rights and remission is given to all inmates who behave well and have served a minimum sentence of six months from since the date of detention. However, for Corruption Prisoners, special provisions apply, namely in Article 34 paragraph (3) of the Republic of Indonesia Government Regulation No. 28/2006 concerning Amendment to the Republic of Indonesia Government Regulation No. 32/1999 concerning the Terms and Procedure for the Implementation of prisoners' right to regulate that new remissions can be given after serving 1/3 (one third) of the criminal period. This provision also applies to prisoners of terrorism, narcotics, crimes against state security, gross human rights crimes, and other organized transnational crimes. The enactment of Government Regulation of the Republic of Indonesia Number 28 of 2006 concerning Amendment to Government Regulation of the Republic of Indonesia Number 32 of 1999 concerning Requirements and Procedures for the Implementation of the Rights of Prisoners, has

tightened the granting of remissions for corruption inmates and other prisoners included in the regulation.

Based on the descriptions above, prospective researchers feel very interested in this legal issue because in the opinion of prospective researchers that in the criminal system there are two types of crimes that are often used against perpetrators of corruption, namely the main criminal and criminal fines. However, in certain cases when a convicted corruption is unable to pay a criminal fine then it can be replaced by undergoing a criminal or imprisonment according to the judge's decision. this indicates that when a convicted corruption is unable to pay the criminal penalties then the convicted person can pay by undergoing additional confinement so that in the opinion of the criminal writer the fine has been paid by the convicted corruption. For more details can be seen in the following data table:

Table 1. Data on Convictors Who Pay Replacement Money and Who Does not Pay Replacement Money

Number	**Year**	**Convicts who pay criminal substitute money**	**Convicts who do not pay a substitute criminal**
1.	2015	-	12
2.	2016	-	12
3.	2017	1	10
4.	2018	-	4

Based on the brief description of the table above, it is clear that there are still many convicts who are unable to pay criminal fines or compensation money so that they are not given remission in accordance with applicable regulations. Therefore, when the concept of understanding developed by prospective researchers is like this, then there is no other reason for law enforcers not to provide remission for corruption convicts with the argument that the convicted person does not pay a criminal penalty so that the right to obtain remission is denied. Based on this description, remission for corruption inmates is the focus of attention in the community even though it has been tightened by the enactment of Government Regulation of the Republic of Indonesia Number 28 of 2006. Some people believe that

corrupt prisoners should not be given remission due to granting remissions to Corruption prisoners as well as aggravating efforts to eradicate corruption.

ISSUES

Based on the background description above, the problems examined in this paper are: Does the limitation of remission rights in undergoing law in a Penitentiary reflect a sense of justice and equal treatment before the law?

RESEARCH METHODS

This type of research used in this study is normative legal research or in other words research using a normative juridical approach (Lastuti Abubakar, 2013, 4), which means that all the problems examined in this study always refer to the legal review, both normatively and based on the views of legal experts and also included in the scope of law dogmatics that studies or examines the rule of law. Therefore, the legal materials and information collected were analyzed in a prescriptive, interpretive, evaluative, argumentative and systematic juridical manner.

RESULTS AND DISCUSSION

Limitation of Remission Rights in Living the Law in Correctional Institutions in the Perspective of Justice

Legal perspectives in the context of social interaction can experience changes in regulation and application. Laws that are expected to be able to solve problems fairly and are beneficial to people's lives can in reality change to the regulation and application of penalties for those who are strong to win. This is what colors the application of law in social contexts (Umar, 2009: 1). Changes in the application of law are phenomena that occur naturally, because it needs to be understood what actually happened, why it could happen, and how the

application of the law took place. Discourse about the application of law in society is an instrument that is inherent in social life, but in reality it is ruled out. Therefore the community demands the need for a new legal order to maintain social order (Podgorecki, 1991 156).

The study of legal change is very closely linked to directing the role of humans as expected. Here the legal position becomes multi-dimensional in human life, therefore in legal changes also directly related to the needs of social order which includes social values and norms, social systems, habits and social relations that have not been established or established, and institutional systems so that despite the shift, legal institutions are expected to be maintained (Johnson, 2007: 10). Changes in law in social life is a reality that occurs in human efforts to build their lives. Changes in law can take the form of evolution, transformation or revolution depending on the dynamics. Legal changes can also occur gradually or radically.

Changes in law and its effects on the condition of society have become a fact in human life, as a reaction to stimuli from outside and from within the community itself. As a result of these changes on human life has both positive and negative effects. In addition to legal changes, legal developments are also known, namely legal reform aimed at achieving progress or improving people's living conditions. In other words, the development of law is related to engineering carried out through the use of legal sciences to improve social order so that with this improvement humans can live more properly according to their dignity (Friedman, 1975: 23).

For certain people, the development of law can be considered as a trigger for sharp and hard contradictions and even causes social unrest because its implementation is unfair. This view is based on the facts that occur around human life, that legal instruments do not work satisfactorily and instead trigger an escalating and destructive conflict. Through the sociology of law, developments in society can be recognized by the social effects of applying

the law. In addition to solving legal problems, sociology techniques and evaluation methods have cognitive values as a guide if legal phenomena are based on known theoretical assumptions (Luhmann, 1985: 55).

One fact that has the potential to trigger a sharp contradiction in society today is the government's policy in this case the Ministry of Justice and Human Rights to provide remissions for corruptors. Remissions given to convicted corruption cases during commemoration of independence, Christmas and Eid al-Fitr are routine. In general, the remission is given based on two conditions, namely good behavior while in prison and has served a minimum sentence of 6 (six) months. However, especially for convicted of corruption, special provisions apply. Article 34 paragraph (3) Government Regulation No. 28/2006 regulates that remissions can only be granted after serving 1/3 (one third) of the criminal sentence.

This provision also applies to convicted terrorism, narcotics, crimes against state security, serious human rights crimes, and other organized transnational crimes. Although granting remission is justified, the question is whether remission must be given? The answer is no! There is no obligation for the government to give remission to corruptors. On the contrary, corruptors should not need to get remission. Corruptors are not the same as ordinary criminal convicts. Corruption is an extraordinary crime, even the United Nations Convention Against Corruption (UNCAC) classifies corruption as human rights crime and crime against humanity. In ordinary criminal cases, only one individual is harmed. However, corruption has a detrimental impact on a very broad scale. So, extraordinary ways should be applied to corruptors. One form is to remove remission for corruptors.

Corruptors should be given a maximum sentence, without remission. They have dredged state money which caused losses to millions of people, so it does not deserve special privileges. In fact, corruptors should be impoverished and if necessary be given social

sanctions. Indeed prison is not a place for revenge. However, prison is also not a place for criminals to enjoy privileges including getting remission. Maximum punishment of corruptors is not only a lesson for the convicts themselves, but also a lesson for millions of people outside the prison walls to discourage robbing of state money. In addition to hurting people's sense of justice, granting remissions is also vulnerable to being mocked by the legal mafia. Granting remissions is indeed the government's right. But is there a guarantee that remission will not be misused? Who can control the remission? Many people are concerned that uncontrolled government discretion in granting this remission is vulnerable to abuse. This remission facility is a potential project for government officials and legal mafias.

The ease with which corruptors get remission is an early indication. These allegations are reinforced by the widespread practice of bribery in prisons. As the prison mafia mode has been revealed so far, that there is the practice of bribery between convicts and prison officials, for example the case of Gayus Tambunan bribery to Mako Brimob detention center officials, Artalyta Suryani luxury cell case and Kasiyem inmate jockey in Bojonegoro. In addition, various peculiarities in giving remissions so far indicate that there are problems in the policy.

The public protest and the vulnerability of the legal mafia practice in granting this remission, should be able to make the Minister of Justice and Human Rights refrain from giving remission to corruptors. If not, it is difficult to say that the government is serious about supporting efforts to eradicate corruption. The political commitment of the government will be questioned. The fact that remission is given to corruptors explains to the people that the fight against corruption is not supported by strong and genuine political will. This ambivalent political will has made the Indonesian legal system very compromising with corruptors. Already got a light law, the corruptors were given the right to get a discount sentence called remission.

The many cases of corruption in Indonesia with various modes of operation remind, that corruption is increasingly chronic. Even the modus operandi carried out is highly qualified and systematic by involving law enforcement officials as well so according to Olan Laurance Hasiholan Pasaribu, Iman Jauhari and Elvi Zahara Lubis (2008: 2) say that this corrupt practice is a problem that is "entrenched and rooted" for the most part officials, society and the nation of Indonesia. Therefore the authors argue that the problem of corruption is not new anymore as said also by Rony Saputra (2015: 7) that the problem of corruption is not a new problem in legal and economic problems of a country, because basically the problem of corruption has existed for thousands of years then, both in developed and developing countries.

Corruption is an extraordinary crime which certainly requires extraordinary remedies, so it refers to his opinion Benny Irawan (2011: 1) Corruption is a form of modern or unconventional crime. Or also called white collar crime (white collar crime) so that the Indonesian people consider corruption as a common enemy (Sjahruddin Rasul, 2009: 6). Sociologically, corrupt behavior is contrary to the function of law as social control which is a normative juridical aspect of community life or can be called a giver of definitions of deviant behavior and its consequences such as prohibitions, orders, punishment and compensation. As a social control tool, the law is considered to function to determine good and bad behavior or deviant behavior from the law, and legal sanctions against people who have bad behavior.

The benefits that can be obtained from social control on deviations of a person's behavior that occur in society are legal institutions that function together with other institutions in carrying out social control (Suyanto Sidik, 2013: 2). In addition, it can be argued that legal institutions are passive, ie the law adapts itself to social reality in society. Therefore, whether or not the legal function is implemented as a social control tool is very much determined by the factor of the rule of law and law enforcement factors so that there is

a need for cooperation between each legal institution in a system called the criminal justice system as stated by Agus Raharjo (2008: 1) that in the SPP there are supporting institutions, namely the police, prosecutors, courts and correctional institutions.

The enactment of the law in the midst of society essentially carries the aim of realizing justice, legal certainty and social benefits for the community. In the view of the sociology of law used by Alvin Johnson about the existence and role of law, it is emphasized that in real social life, law has the power to regulate only if it has been united in a legal framework, especially in one legal system.

Remission is indeed a convict's right, but the granting of remission still requires state policy. That is, the state can provide, but may also limit it with clauses determined by the state. Article 28J Paragraph (2) of the 1945 Constitution states that in exercising their rights and freedoms, every person is obliged to obey the limitations stipulated by law. The aim is to guarantee the recognition and respect for the rights and freedoms of others, and to fulfill fair demands in accordance with moral considerations, religious values, security and public order in a democratic society.

If the state through the Minister of Law and Human Rights tightens the conditions for granting remission and parole for corruptors, it certainly does not violate human rights. Juridical corruptors' rights are rights that can be limited, even expressly in the penal law that the terms and procedures for granting remission are regulated (can be limited) by government regulations. The reality so far is that corruptors often receive special treatment in remission by alleviating the conditions. People who are harmed and miserable by corruptors hope that corruptors will be severely punished. Harming people's sense of justice, which is often used as an excuse for corruptors not to be tolerated, can indeed be debated legally because the size is too abstract. But it is this aspect that has always been championed as substantial justice that must be highlighted compared to procedural justice.

Maximum punishment of corruptors is not only learning for the convicts themselves, but also especially for millions of people outside the prison walls to discourage robbing of state money. The prison sentence for corruptors will not have a deterrent effect if various facilities continue to be provided. Moreover, all this time the court has always given light sentences for corruptors and even released them. By receiving remission, the corruptor does not need a long time to breathe free air again. Therefore, eliminating and / or tightening the granting of remissions to corruptors is an appropriate policy to implement. Reasons for good behavior while in prison cannot be used to provide remissions. However corruptors show good behavior while in prison, that reason cannot eradicate the corruption they have committed. Moreover, their motives usually behave well in prison just to get remission. A remission moratorium for corruptors from the perspective of the flow of legal sociology according to Max Weber can be formed in two ways, namely (Podgorecki, 1987: 44):

1. Appears gradually;
2. Created deliberately.

In the first stage (the law arises gradually), people begin to make new ways of using existing rules so as to produce a gradual shift in the meaning of those rules. In the second stage (deliberately created), the formation of new laws is done through coercion from above and this is a deviation in the formation of new laws. In general, theories of legal sociology are closely related to:

1. Legal making;
2. Factors affecting legal products;
3. Violations of the law which includes who did it, why did it occur, and how it was implemented;
4. Reaction to violations of the law through the judicial process or public reaction.

Remission for corruptors is legally specifically regulated based on the provisions of Article 34 paragraph (3) of Government Regulation No. 28/2006 concerning Requirements and Procedures for the Implementation of the Rights of Prisoners. The government regulation further stipulates that remissions for convicted corruption cases can be granted if they meet the following requirements:

1. Good behavior;
2. Has served 1/3 criminal period.

In a discussion titled "Moratorium and Remission for Corruptors, Legal or Breaking the Law", Yusril Ihza Mahendra (2011) argued that this remission right was regulated not only in law but also in the constitution, the UN convention against corruption (UN Convention Against Corruption), Tokyo Rules, and so on. Yusril further stated that this remission right was in all existing domestic and international regulations attached to prisoners. It is a rule throughout the world, that prison sentences can be reduced or accelerated if inmates have good behavior.

Some of the arguments put forward by Yusril to support his statement are:

1. Indonesia is not a state of power or machtstaat, but a state of law or rechtstaat, therefore the policy of eliminating remission is an authoritarian act;
2. Elimination of remission violates the human rights of convicted corruption who have good behavior after serving a sentence;
3. The nature of remission discrimination, which is only considered to be carried out on certain religious holidays and not on other religious holidays;
4. Eliminating remission also violates the UN Convention on corruption;
5. Remission policy is just an image politics, not a pure motive for law enforcement (http://www.yusril.ihzamahendra.com>, accessed Sunday 14 April 2019.).

Opinions rejecting the elimination of remission for corruptors were also expressed by the Chairperson of the Commission on Human Rights (Komnas HAM) Ifdhal Kasim who stated that remission is basically an incentive for convicts to simulate changing themselves while in prison because normatively a convicted person has been deprived of his freedom by serving a prison sentence. However, after entering prison, they still have the minimum right to get remission and / or parole. If the right to get remission and / or parole is revoked, the right is automatically taken away. This cannot be justified for any reason.

Another opinion that opposes the policy of granting remissions for corruptors was expressed by former Constitutional Court Chief Jimly Assidiqie who stated that: Mr. Amir Syamsudin's policy could be said to be illegal, perhaps in a hurry or in pursuit of public expectations. The intention is good, only the method needs to be evaluated. Don't be reckless, it must be procedural, the data is complete and for improvement not looking for popularity. (http://www.tempo.co/.../Moratorium-Remisi-for-Coruptor-Regulated-Post-PP>, accessed Sunday 14 April 2019)

The execution of sentences in a penal institution is part of the working process of the criminal justice system, and does not mean that it was finished when the judge handed down his decision. Tightening and even eliminating remissions for corruptors, in essence is a necessity as a progressive policy against acts of corruption. In responding to current social phenomena including corruption, Indonesian law must demonstrate its existence and character in accordance with the development and complexity of national and international interactions. In the rule of law it is explicitly stated, that all humans have the same position before the law (equality before the law). This means there is no difference between one legal subject and another legal subject before the law (Deflem, 2007: 1410-1413.). The principle of equality of people before the law is not only the most basic legal principle but also the principle of justice. The right to justice is one of the basic human rights, because that right is

directly related to human dignity. Justice can only be enforced if there is equal treatment for everyone who has the same conditions (Soekanto, 1994: 32).

Based on the description above, one important point is that humans as objects in law enforcement in the study of the law itself so that taking into account the human factor in the study of law becomes very important. This can be seen from the opinion of Chambliss and Seidman (19972). According to these two experts, the model of lawmaking in society can be divided into two models, namely :

1. The Value Consensus Model. That the making of law is to set the values that apply in society. Law making is a reflection of the values agreed upon by the community members.
2. Conflict Community Model. That the making of law is seen as a process of power struggle, the state is a weapon in the hands of the ruling society. Even though there are conflicting values, the State can still stand as a value-neutral body.

The theory used to carry out theoretical analysis of the formation of law and its implementation (regarding the operation of the law) is used to carry out an analysis of the formation of law as well as to conduct an analysis of the implementation of law. According to this theory, the formation of law and its implementation will not be separated from the influence or intake of social and personal forces, especially the influence or intake of social and political power. That is why the quality and character of law is also inseparable from the influence of the operation of these forces and personnel, especially the political forces at the time the law was formed.

From the model of the operation of the law, Seidman formulated several theoretical statements as follows

1. Each of the legal rules shows the rules about how a person in charge is expected to act;

2. What actions will be taken by a person holding a role in response to legal regulations, highly dependent and controlled by applicable legal regulations, from the sanctions, from the activities of the implementing agencies, as well as from all complexes of social, political, etc. work on him;
3. What actions will be taken by the implementing agency in response to legal regulations, highly dependent and controlled by the applicable legal regulations, from the sanctions, and from all complexes of social, political, and other forces working on him, as well as from the feedback coming from the stakeholders and the bureaucracy;

What action will be taken by the legislature in response to the rule of law, is highly dependent and controlled by the functioning of the applicable law, from its sanctions, and from all the complex social, political, and other forces that work on them, and from the feedback coming from the stakeholders and the bureaucracy. Thus, law and politics are influential and inseparable from the laws that work in society. That the law is for society, as is the theory of living law. The functions of law can only be carried out optimally, if the law has power and is supported by political power.

Although political power has the characteristic of not wanting to be limited, on the contrary the law has the characteristic of limiting everything through its rules. This is done in order to prevent the emergence of abuse of power and abuse. Instead political power supports the realization of the legal function by "injecting" power into law, namely in the form of legal sanctions.

Legal legitimacy through political power, one of which is manifested in providing sanctions for lawbreakers. Even so, if it becomes law, politics must obey the law, not the other way around. Such is the consequence of Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia that "the State of Indonesia is a State of Law". Thus law and politics are interdependent and interrelated, and support each other when the law

works in society, as is the theory of Chambliss and Seidman. With the aim that in the future there will be no more differences of opinion that have the potential to give rise to horizontal or vertical conflicts, there needs to be legal development. The current legal technocratic structural model in Indonesia is no longer sufficient to bring Indonesia into the future with diverse social structures and diverse social strata. Indonesia's diversity is not enough if it is only bridged with state regulations that are centralistic in nature. It is time for the Indonesian people to shift the legal paradigm and legal development, from the technocratic structural towards the participatory humanist.

The participatory humanist legal model was built as a result of dialectics on legal functions as a means of engineering and social control and as a means of integration mechanism. These three legal functions greatly affect Indonesian government policy in all aspects of life. The participatory humanist legal function is an embodiment of the law which is based on human dignity and human values through the provision of initiatives and opportunities for the community in the decision making process to meet the needs of human life. The participatory humanist face of the law will only manifest itself if the state pays attention to human aspects and dimensions as the main objective of development, which gives citizens access to participate in decision-making in various fields of life.

The concept given is how the law is able to provide bargaining power / power to citizens, so as to be able to position itself independently. If such conditions are realized, the direction of social empowerment begins to shed light. Therefore, the function of law as a means of social empowerment is to provide a greater allocation of authority to citizens to determine their realization as subjects in life. Not as an object to be formed or controlled by another dominant subject. With a participatory humanist legal model, it is expected that differences of opinion or pros and cons between various elements of society that often occur when the authorities (the government) publish a policy (including a remission moratorium for

corruptors) can be minimized and even eliminated altogether. It must be realized that the effort to uphold the law is not as easy as turning the palm of the hand. The events that now happen to legal institutions are only one process towards the creation of legal authority (Warasih, 2001).

Introspective attitude is a commendable step that should be accompanied by systemic efforts from legal institutions ranging from the attorney general's office, police, judiciary and legal advisory organizations. Based on the descriptions above, it is time for law enforcement agencies to:

1. Continuous evaluation of all programs and policies that have been planned, so as to reduce the obstacles encountered;
2. Conduct a clarification of major cases decided by the court, so that the public is clear about the legal considerations and legal basis used.
3. Reorienting the vision and mission of law enforcement agencies to prioritize substantial justice.

CONCLUSION

Based on the description above, it can be concluded that the limitation in the provision of remission for every corrupt convict who is unable to pay criminal in the form of substitute money and criminal fines but the convicted person wants to undergo a substitute confinement in the form of additional crimes in the form of a confinement is an injustice.

SUGGESTION

Reform reform is needed in the form of granting remission to convicts who undergo confinement due to not being able to pay compensation money and fines so that remission can be given.

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