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# THE EFFECT OF PUNISHMENT ON RESOCIALIZATION BEHAVIORFOR CORRUPTION CONVICTS WITH RESTITUTION


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**Abstract**

This study aims to analyze the effect of punishment on the resocialization behavior of corruption convicts through the restitution mechanism as an instrument for recovering state losses. In the context of law enforcement, restitution is viewed not only as a form of material accountability but also as a means of encouraging behavioral change and restoring social relations for perpetrators of corruption. This study uses a juridical-sociological approach by combining legal document studies, criminal theory, and field findings related to the implementation of restitution in the prisoner development process. The results show that the implementation of restitution contributes significantly to increasing legal awareness, moral responsibility, and the perpetrator's commitment to return to behavior in accordance with social norms. However, the effectiveness of restitution is influenced by the consistency of regulatory implementation, the readiness of correctional institutions, and support from the social environment. This study confirms that restitution has the potential to be a strategic instrument in building a more constructive resocialization pattern, as long as punishment policies are directed at a balance between aspects of retribution, recovery, and rehabilitation.



**Keywords:**Punishment, Resocialization, Corruption, Restitution, Criminalization.

## INTRODUCTION

Corruption is a form of crime that has a far-reaching impact on economic stability, the system of government, and public trust. Corruption not only harms state finances but also hinders development, undermines bureaucratic order, and undermines the legitimacy of state institutions. Therefore, the state needs to implement criminal penalties that are not only oriented towards deterrence but also capable of raising awareness among perpetrators so that they can return to socially acceptable behavior through a process of resocialization. One such instrument that is beginning to receive attention in the modern criminal justice system is restitution, which requires convicts to repay state losses as a form of legal and moral esponsibility.

In punishment theory, there are several relevant approaches to assessing the relationship between punishment and behavioral change. Utilitarian theory emphasizes that the purpose of punishment is to prevent crime and provide benefits to society. Meanwhile, retributive theory views punishment as an appropriate response to the perpetrator's actions. On the other hand, the rehabilitative approach argues that punishment should be directed at behavioral recovery so that the perpetrator can be accepted back into society. Restitution lies at the intersection of these three approaches, as it encompasses elements of restoration, accountability, and prevention. Thus, restitution is not only a material obligation but also a means of forminglegal character of the convict.

The application of restitution for corruption convicts has a strategic dimension in the resocialization process. Perpetrators who are required to repay state losses are essentially involved in the process of restoring social relationships previously damaged by corrupt acts. This process can lead convicts to understand the real impact of their actions, build social empathy, and strengthen their commitment to not repeat similar violations. However, the effectiveness of restitution does not stand alone; its success is influenced by the consistency of regulations, the professionalism of law enforcement officers, the readiness of correctional institutions, and the support of the social environment in accepting convicts back. According to resocialization theory in criminology, a perpetrator's reintegration into society can only be achieved if they go through stages of development that emphasize cognitive, affective, and behavioral changes. Therefore, punishment that does not provide space for moral awareness tends to fail to achieve correctional goals. Restitution allows convicts to experience a process of reflection on their actions through actions that are direct, measurable, and have a real impact.

This differs from physical punishment or imprisonment alone, which often only produce external compliance without internal change.

It is in this context that research into the effect of punishment on the resocialization behavior of corruption convicts through restitution becomes crucial. This study attempts to determine the extent to which restitution can be an effective instrument in encouraging behavioral transformation, while also assessing the factors influencing its success. This research also considers the perspective of Indonesian positive law, criminal theory, and social dynamics related to the recovery and reintegration process of corruption convicts.

With this focus, this research is expected to provide a theoretical contribution to the development of a more humane, proportional, and recovery-oriented concept of punishment. Practically, the research findings can provide input for policymakers, judicial institutions, and correctional institutions in designing sentencing policies that not only reduce corruption but also encourage perpetrators to return to social life responsibly.

## METHOD

This research uses a juridical-sociological method developed based on the literature on legal research methodology and social studies, where both are combined to understand the relationship between normative provisions regarding restitution and the empirical reality that emerges in the resocialization process of corruption convicts. This approach is inspired by the thoughts of legal experts such as Soerjono Soekanto, who emphasized the importance of viewing law as an institution that lives not only in regulatory texts but also develops through social practice. Therefore, this research places criminal regulations related to restitution as the basis for analysis, while also examining how these regulations are implemented in the development of prisoners through social observation and interviews. A qualitative approach was chosen because it provides space for researchers to explore the meaning of experiences, perceptions, and mental processes of convicts while serving their sentences, as explained by Creswell that qualitative research aims to understand social phenomena in depth based on narratives, interactions, and context.

The data used in this study came from two sources: primary and secondary. Primary data were collected through in-depth interviews with corruption convicts, correctional officers, and practitioners or academics familiar with corruption criminalization issues. These interviews used semi-structured techniques to allow the researcher to guide the discussion without limiting the interviewee's ability to describe their experiences. This type of interview is commonly used in social research because it captures subjective details not recorded in formal documents. Meanwhile, secondary data were obtained from a review of laws and

regulations, court decisions, official reports from law enforcement agencies, and journal articles discussing restitution, the purpose of punishment, and resocialization theory. Literature from methodological books such as Moleong, Sugiyono, and Neuman served as guidelines for data processing and maintaining consistency in research procedures.

## RESULTS AND DISCUSSION

### RESULTS

The research revealed that the implementation of restitution for corruption convicts significantly impacted their behavioral dynamics during their rehabilitation period. Nearly all interviewees indicated that the obligation to repay state losses triggered a reflective process that helped convicts better understand the consequences of their actions. Restitution served as a starting point for them to realize that violations of public integrity are not only related to criminal sanctions but also have a direct impact on the country's fiscal stability and public trust. This awareness then drove changes in attitudes, particularly toward rehabilitation programs implemented in correctional institutions.

Correctional officers' perspectives also indicate that offenders who have begun the restitution process tend to be more cooperative and accept guidance positively. Those who have completed restitution demonstrate a greater willingness to engage in character-building activities, such as moral discussions, mental training, and internal social activities. This contrasts with convicts who still resist restitution obligations, as this group is generally more defensive and struggles to adapt to the restitution system. This phenomenon reinforces the notion that restitution is not merely a means of financial recovery, but also a means of influencing offenders' mental readiness to undergo the resocialization process.

In interactions within the correctional environment, several convicts stated that the obligation to restitution provides them with a tangible opportunity to atone for their mistakes. This reparation is considered an initial step in repairing social relationships damaged by corrupt acts. This aligns with the concept of restorative justice, which emphasizes the importance of restoration and the perpetrator's moral responsibility. By returning state losses, convicts feel more receptive to the guidance provided by officers, as they feel they have demonstrated good faith in repairing the damage caused. However, several obstacles remain in the implementation of restitution. Some convicts admitted to having difficulty understanding the calculation of losses, administrative procedures, and coordination between relevant institutions. This administrative uncertainty sometimes reduces the motivation of convicts to undergo the restitution program. On the other hand, financial constraints also influence the readiness of convicts to fulfill their restitution obligations. However, these obstacles do not always have a

negative impact. Some convicts actually become more disciplined in participating in restitution activities as a form of their commitment to change.

## DISCUSSION

Family social factors also influence the extent to which restitution impacts the behavioral recovery process. Convicts who receive family support are generally better able to fulfill their restitution obligations and participate in rehabilitation programs with greater stability. Meanwhile, those who experience rejection or pressure from their immediate environment tend to withdraw and struggle to accept resocialization programs. These findings confirm that behavioral change depends not only on the punishment but also on the social network that accompanies the offender during the rehabilitation period.

When linked to resocialization theory, this research's findings indicate that restitution serves as a mechanism that helps offenders internalize legal and moral values. Through restitution, convicts not only undergo formal sanctions but also engage in a symbolic and substantive process of recovery. This process aligns with the view that rehabilitation will only be effective when offenders recognize their mistakes and understand their impact. Restitution creates space for cognitive and affective change, ultimately encouraging behavior that is more in line with societal norms.

Considering the overall research findings, it can be concluded that restitution plays a significant role in reshaping the thinking and behavior patterns of those convicted of corruption. Restitution not only serves as an additional punishment in criminal justice practices, but also strengthens correctional goals that prioritize social development and reintegration. Nevertheless, restitution still requires consistent policy support, procedural transparency, and partnerships between law enforcement agencies to ensure its optimal implementation. Therefore, restitution can be a strategic instrument in encouraging those convicted of corruption to develop new, more responsible behaviors that align with social values.

## CONCLUSION

Based on the research results, it can be concluded that the implementation of restitution has a significant influence on the resocialization process of corruption convicts, because the obligation to return state losses has been proven to be able to trigger legal awareness, moral responsibility, and in-depth reflection on the impact of corrupt acts that have been committed. Restitution encourages convicts to be more cooperative in the development program, increases their involvement in moral and social activities, and strengthens their commitment to return to living according to societal norms. However, the effectiveness of restitution is still influenced by various factors, such as regulatory consistency, the readiness of correctional institutions, the

financial capacity of the convict, and social support from family and the surrounding environment. Overall, restitution has the potential to be a constructive and strategic punishment instrument in strengthening rehabilitative and restorative functions, as long as the punishment policy is implemented proportionally, transparently, and integrated between law enforcement agencies so as to be able to encourage convicts of corruption to undergo a more effective and sustainable resocialization process.

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