JURNAL LOCUS: Penelitian & Pengabdian
Volume 5 No. 11 November 2026, pp 9711-9730
E-ISSN 2829-7334
DOI: 10.58344/locus.v5i11.6378

Executive Clemency, Presidential Pardon, and Constitutional Limits in Democratic Rule of Law: A Systematic Literature Review

Timbul Sinaga* , Bambang Widarto
Universitas Dirgantara Marsekal Suryadarma, Indonesia
Email: sinagapmttimbul@gmail.com* , bwidarto1@gmail.com

Keywords:
Executive Clemency; Presidential Pardon; Constitutional Limits; Rule of Law; Separation of Powers.

This is an open access article under the CC BY-SA license.

Copyright © 2026 by Author. Published by Riviera Publishing

ABSTRACT

This systematic literature review synthesizes recent on executive clemency, presidential pardon, amnesty, commutation and constitutional limits in democratic rule-of-law systems. The review addresses a central constitutional problem: clemency remains necessary as mercy, correction and transitional instrument, yet it can also become a channel of impunity, political privilege or interference with judicial finality when exercised without limits. Using a PRISMA-based design, the study used one integrated Scopus Boolean string covering clemency, pardon, amnesty, commutation, constitutionalism, rule of law, separation of powers, judicial independence, accountability, human rights and serious crimes. The initial search identified 1,999 articles. After database filters for year 2021-2026, document type article, English language, journal source type and final publication stage, 278 articles remained. Title and abstract screening reduced the corpus to 104 articles; open-access eligibility produced 50 full texts; and full-text screening resulted in 35 articles for final synthesis. The findings generate five outputs: a conceptual map of executive clemency, a typology of constitutional limits, a Clemency-Separation of Powers Framework, a Serious Crime Clemency Limitation Model, and a Constitutional Clemency Limitation Framework. The review concludes that clemency should not be treated as an absolute personal prerogative, but as a constitutional power requiring a clear legal basis, substantive limits, institutional consideration, procedural fairness, transparency, accountability and human-rights-sensitive review.

INTRODUCTION

In a democratic state governed by the rule of law, the exercise of public authority must be subject to legal limitations, accountability, and constitutional justification. No branch of government, including the executive, should operate entirely beyond constitutional constraints. This principle is particularly significant in criminal justice systems, where judicial decisions are expected to uphold legality, due process, equality before the law, and judicial independence. Nevertheless, constitutional systems also recognize that the strict application of criminal law may occasionally require corrective mechanisms. Criminal sentences may be disproportionate, humanitarian circumstances may arise, miscarriages of justice may occur, and political transitions may necessitate reconciliation. Within this context, executive clemency and presidential pardons function as exceptional constitutional powers that enable the executive to mitigate, suspend, commute, or remit criminal penalties and, where legally authorized, modify certain consequences of criminal convictions.

The reviewed literature indicates that these exceptional powers occupy a complex position within democratic constitutionalism. On the one hand, clemency serves as a mechanism for mercy, corrective justice, humanitarian relief, and constitutional flexibility following the operation of ordinary judicial processes (Campagna, 2021; Thelen, 2025). On the other hand, the exercise of clemency without clearly established standards may undermine equality before the law, affect the finality of judicial decisions, and create tensions between executive discretion and judicial authority (Costa, 2021; Sarat et al., 2022; Syah et al., 2023). Consequently, contemporary constitutional scholarship increasingly emphasizes that clemency should not be understood merely as an expression of the head of state's personal benevolence but rather as a constitutionally established power whose exercise requires legal justification, publicly defensible reasoning, transparency, and institutional accountability (Lenta, 2023; Vagias, 2023).

These constitutional concerns become particularly pronounced when clemency, pardons, or amnesties involve serious offenses, including corruption, terrorism, war crimes, crimes against humanity, genocide, and gross human rights violations. In such circumstances, clemency extends beyond individual considerations of mercy and raises broader questions concerning victims' rights, public confidence in the justice system, judicial independence, the prevention of impunity, and the credibility of democratic governance under the rule of law (de Belaunde De Cárdenas, 2021; Masol & Perez-Leon-Acevedo, 2025; Pérez-León-Acevedo, 2022). Scholarship examining Peru, El Salvador, Colombia, Brazil, Spain, Mali, Nigeria, Ukraine, and other jurisdictions suggests that the legitimacy of clemency depends not solely on constitutional provisions authorizing executive pardon powers but also on whether their exercise respects judicial authority, victims' rights, international human rights obligations, public accountability, and the constitutional balance among branches of government (Giraldo Muñoz, 2025; Hatcher, 2022; Rosenberg, 2024; Warjiyati et al., 2025).

The central research problem concerns the tension between executive mercy and constitutional restraint. Clemency may serve legitimate constitutional purposes by mitigating disproportionate punishment, correcting miscarriages of justice, addressing humanitarian circumstances, and facilitating negotiated political transitions (Giraldo Muñoz, 2025; Oyinloye et al., 2024; Thelen, 2025). However, its exercise may raise serious constitutional concerns when decisions lack adequate justification, bypass institutional scrutiny, disregard victims' interests, or benefit individuals convicted of offenses that significantly undermine public trust and institutional accountability (Igboin, 2023; Sarat et al., 2022; Warjiyati et al., 2025).

The reviewed literature suggests that the fundamental constitutional question is not whether clemency should exist but how its exercise should be regulated and constrained. Blanket amnesties, politically selective pardons, implicit amnesties, and clemency practices that circumvent established review mechanisms may weaken legal accountability and contribute to prolonged impunity (Ansorg & Kurtenbach, 2023; Rosenberg, 2024; Vagias, 2023). Conversely, an excessively restrictive approach that categorically rejects all forms of amnesty or clemency may overlook the complexities of transitional justice, humanitarian considerations, and the corrective function of executive mercy (Koko, 2021; Laise, 2023; Lenta, 2023). These competing considerations underscore the importance of developing a balanced constitutional framework that preserves the legitimate purposes of clemency while preventing arbitrary or politically motivated exercises of executive authority.

Existing scholarship has predominantly examined executive clemency, presidential pardons, and amnesties within specific national jurisdictions or distinct legal contexts, including presidential clemency in the United States, historical royal pardons in Brazil, grasi in Indonesia, the presidential pardon granted to Alberto Fujimori in Peru, judicial deference under the European Court of Human Rights (ECtHR), and transitional justice mechanisms in

Colombia (Costa, 2021; de Belaunde De Cárdenas, 2021; Giraldo Muñoz, 2025; Pérez-León-Acevedo, 2022; Sarat et al., 2022; Syah et al., 2023). Although these studies provide valuable insights into the legal and institutional dimensions of clemency, the relevant scholarship remains fragmented across constitutional law, transitional justice, international human rights law, criminal justice, and political theory (Lenta, 2023; Thelen, 2025; Vagias, 2023).

The research gap addressed by this study concerns the limited availability of conceptually integrated systematic literature reviews that examine executive clemency and presidential pardons alongside constitutional limitations, separation of powers, judicial independence, institutional accountability, and the treatment of serious crimes within a unified analytical framework. By systematically synthesizing 35 full-text scholarly articles, this review sought to move beyond descriptive, jurisdiction-specific comparisons and develop a Constitutional Clemency Limitation Framework for evaluating the legality, legitimacy, and accountability of executive clemency within democratic systems governed by the rule of law.

Accordingly, this study aimed to systematically synthesize scholarly literature on executive clemency and presidential pardons in democratic constitutional systems, with particular emphasis on constitutional limitations, separation of powers, judicial independence, public accountability, and clemency involving serious or extraordinary crimes. The review was guided by four research questions: (RQ1) How does the existing literature conceptualize executive clemency and presidential pardons within democratic systems governed by the rule of law? (RQ2) What constitutional limitations on presidential pardon powers have been identified in the literature? (RQ3) How does executive clemency interact with the principles of separation of powers, judicial independence, and checks and balances? (RQ4) How does the literature address the application and constitutional implications of clemency in cases involving serious or extraordinary crimes? Through these questions, the study sought to establish a coherent analytical foundation for understanding the constitutional boundaries of executive clemency across different legal systems.

This review offers three principal contributions to constitutional and criminal justice scholarship. First, it develops a conceptual map positioning executive clemency as a constitutionally regulated mechanism of mercy rather than an unrestricted personal prerogative. Second, it establishes a typology of constitutional limitations encompassing substantive restrictions, procedural safeguards, institutional consultation and oversight, judicial review where legally available, international human rights obligations, and transparency requirements. Third, it proposes a Constitutional Clemency Limitation Framework to inform future comparative legal research, constitutional interpretation, and policy discussions concerning grasi (presidential clemency), amnesty, abolisi (termination of prosecution through executive clemency), rehabilitation, and pardons within democratic constitutional systems. Together, these contributions provide an integrated foundation for assessing how executive clemency may fulfill its corrective and humanitarian functions while remaining consistent with constitutional accountability, judicial independence, and the rule of law.

Executive Clemency and Presidential Pardon

Executive clemency is generally understood as a state power to grant mercy through pardon, amnesty, commutation, reprieve or related forms of leniency (Campagna, 2021; Oyinloye et al., 2024; Thelen, 2025). The literature shows that clemency has several functions: correcting harsh punishment, responding to humanitarian circumstances, mitigating systemic injustice, supporting transition and symbolizing constitutional mercy (Campagna, 2021; Giraldo Muñoz, 2025; Oyinloye et al., 2024; Thelen, 2025).

The concept is nevertheless contested because clemency gives the executive discretion over outcomes produced by courts and criminal law institutions (Costa, 2021; Sarat et al., 2022). Political-theory and legal-philosophical studies therefore describe clemency as a

prerogative that may be benign when used for public good, but dangerous when it becomes selective privilege, personal loyalty reward or hidden impunity (Igboin, 2023; Rosenberg, 2024; Sarat et al., 2022; Thelen, 2025)

Rule of Law and Constitutionalism

Rule of law and constitutionalism require public power to be legally grounded, institutionally limited and accountable (Campagna, 2021; Lenta, 2023). In clemency literature, the rule-of-law concern arises because mercy operates as an exception to ordinary legal consequences, while constitutionalism demands that even exceptional power be exercised under legal standards and not arbitrary personal will (Campagna, 2021; Thelen, 2025).

The relationship between amnesty and rule of law is not one-dimensional. Lenta argues that whether amnesty violates the rule of law depends on the terms of the amnesty, the reasons for which it is introduced and the conception of rule of law being used (Lenta, 2023). This view is consistent with scholarship showing that conditional, transitional and rights-sensitive amnesties may be distinguished from blanket, self-protective or impunity-producing amnesties (Ansorg & Kurtenbach, 2023; Giraldo Muñoz, 2025; Vagias, 2023).

Separation of Powers and Judicial Independence

Clemency sits at the intersection of executive power and judicial finality. The executive formally grants mercy, but the effect of that mercy can alter or neutralize punishment imposed through judicial processes (Costa, 2021; Syah et al., 2023). This explains why separation of powers and judicial independence are central to debates about clemency, especially when the executive decision appears to undermine court judgments or protect politically connected offenders (de Belaunde De Cárdenas, 2021; Sarat et al., 2022).

Comparative literature shows that judicial review can operate as a constitutional safeguard rather than a judicial takeover of executive clemency. The Fujimori case demonstrates that empowered courts can invalidate pardon and immunity when they conflict with human-rights accountability (de Belaunde De Cárdenas, 2021). ECtHR and domestic-judge scholarship similarly suggests that courts can evaluate the effects, conditions and compatibility of amnesties and pardons with human-rights obligations without necessarily abolishing clemency as a constitutional institution (Pérez-León-Acevedo, 2022; Vagias, 2023).

Constitutional Limits of Presidential Pardon

Constitutional limits on pardon power can be substantive, procedural, institutional and accountability-based. Substantive limits concern the kinds of offences or offenders that should be excluded or subjected to a higher threshold, especially corruption, crimes against humanity, war crimes, genocide and gross human-rights violations (Arcaro Conci & Carita Correra, 2024; Masol & Perez-Leon-Acevedo, 2025; Warjiyati et al., 2025). Procedural limits concern reasons, criteria, written records, victim-sensitive assessment and regularized review processes (Oyinloye et al., 2024; Syah et al., 2023).

Institutional limits concern involvement of courts, advisory bodies, public institutions or international human-rights standards in assessing clemency (de Belaunde De Cárdenas, 2021; Pérez-León-Acevedo, 2022; Vagias, 2023). Accountability limits require public justification, transparency, reviewability and protection against selective or politically motivated forgiveness (Ansorg & Kurtenbach, 2023; Igboin, 2023; Sarat et al., 2022).

Clemency for Serious Crimes and Extraordinary Crimes

The literature treats serious crimes as the hardest test for clemency. Amnesty or pardon for corruption, genocide, war crimes, crimes against humanity, terrorism and gross human-rights violations can weaken public trust, victims' rights and the state's commitment to accountability (de Belaunde De Cárdenas, 2021; Hossain, 2024; Masol & Perez-Leon-Acevedo, 2025; Warjiyati et al., 2025). Transitional justice scholarship shows that serious-

crime clemency may be demanded in peace processes, but it must be constrained by truth, reparations, conditionality and exclusion of the gravest violations (Giraldo Muñoz, 2025; Koko, 2021; Naumkina et al., 2024)

The danger is not only formal amnesty. Rosenberg shows that governments may use implicit amnesty measures, such as non-enforcement of arrest warrants or release of influential actors, to rehabilitate armed leaders without openly granting formal amnesty for serious crimes (Rosenberg, 2024). This finding is consistent with evidence that amnesty laws can reproduce long-term impunity, sustain weak accountability and affect corruption dynamics in post-conflict settings (Ansorg & Kurtenbach, 2023; Nenningsland, 2024).

Conceptual Linkage

The conceptual linkage developed in this review is as follows: executive clemency originates as prerogative mercy, becomes institutionalized as constitutional power, and then requires limits when it affects judicial finality, equality before law, serious-crime accountability and public trust (Campagna, 2021; Costa, 2021; Thelen, 2025). Therefore, clemency should be assessed through the relationship between executive authority, constitutional limits, separation of powers, judicial independence, human-rights obligations and democratic accountability (Pérez-León-Acevedo, 2022; Syah et al., 2023; Vagias, 2023).

The literature also suggests that the legitimacy of clemency depends on context. Ordinary corrective clemency may be justified by mercy, rehabilitation, humanitarian need or systemic unfairness, while clemency for serious crimes requires a higher constitutional threshold and stronger justification (Nath & Prasad, 2024; Oyinloye et al., 2024; Warjiyati et al., 2025). The synthesis therefore treats constitutional limitation not as the elimination of clemency, but as the condition for making mercy compatible with democratic rule of law (Lenta, 2023; Thelen, 2025).

METHOD

Research Design

This study employed a systematic literature review (SLR) design guided by the Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) framework to ensure a transparent and reproducible process of study identification, screening, eligibility assessment, and inclusion. A concept-centric thematic synthesis was conducted to integrate findings from the selected literature and address four research questions concerning executive clemency, constitutional limitations, separation of powers, and clemency for serious crimes.

Database and Search Strategy

Scopus was used as the main database. The search was designed as one integrated Boolean string rather than separate strings for each RQ, because the RQs are analytically connected and the article aims to build one constitutional framework rather than four disconnected mini-reviews.

Tabel 1. Database and Search Strategy

Search Element	String
Integrated Scopus search string	TITLE-ABS-KEY ((clemenc* OR pardon* OR amnest* OR commut* OR repriev* OR "executive clemency" OR "clemency power" OR "pardon power" OR "presidential pardon" OR "prerogative of mercy" OR "royal prerogative of mercy") AND (constitution* OR "rule of law" OR constitutionalism OR democracy OR democratic OR "constitutional democracy" OR "constitutional law" OR "limited government" OR "separation of powers" OR "checks and balances" OR "judicial independence" OR "judicial power" OR "executive power" OR "presidential power" OR accountability OR transparency OR "human rights" OR "serious crime" OR "serious crimes" OR "extraordinary crime" OR "extraordinary crimes" OR corruption OR terrorism OR genocide OR "war crimes" OR "crimes against humanity"))

Inclusion and Exclusion Criteria

Tabel 2. Inclusion and Exclusion Criteria

Criteria	Inclusion	Exclusion
Publication source	Journal articles identified through Scopus search	Books, proceedings, editorials, reports, opinion pieces
Year	2021-2026	Outside 2021-2026
Document type	Article	Non-article documents
Language	English	Non-English
Source type	Journal	Book series, conference proceedings, trade publications
Publication stage	Final publication	Articles in press or incomplete publication stage
Subject relevance	Studies on clemency, pardon, amnesty, commutation, constitutional limits, rule of law, separation of powers, accountability, human rights or serious crimes	Studies using search terms in unrelated contexts or lacking relevance to the RQs
Access and eligibility	Open-access full text for final eligibility assessment	Full text inaccessible or not eligible after full-text reading

Screening Process

The identification stage retrieved 1,999 articles from Scopus. Database filters for publication year 2021-2026, document type article, English language, journal source type and final publication stage reduced the corpus to 278 articles. Title and abstract screening then retained 104 articles. Open-access eligibility screening reduced the corpus to 50 full-text articles. Full-text screening retained 35 articles for final synthesis.

For more details about the indentification stage flow through the PRISMA method, Figure 1 shows the PRISMA-based screening results by research question.

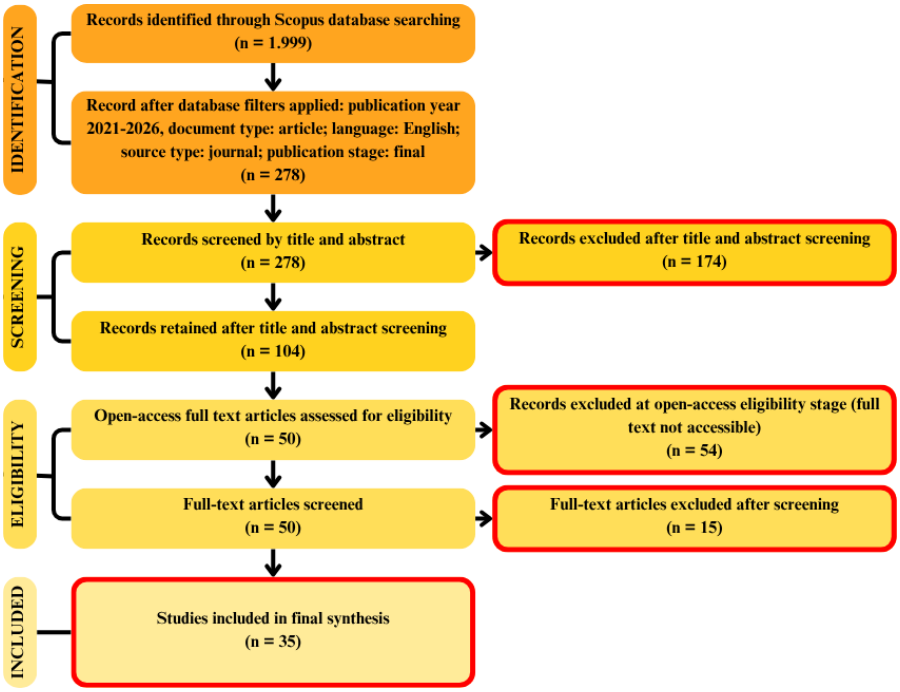


Figure 1. PRISMA Flow Diagram of Article Selection Process

Tabel 3. Identification Stage and Number of Articles Screened

Stage	Screening result
Initial Scopus search	1,999 articles
After database filters	278 articles
After title/abstract screening	104 articles
Open-access full text assessed	50 articles
Final synthesis after full-text screening	35 articles

Data Extraction

Data were extracted from each selected article using a structured extraction form covering author, year, research objective, method or approach, study context, main focus, key findings, and relevance to the research questions. The extracted data were then analyzed using thematic synthesis.

The synthesis focused on four main themes: the conceptual development of executive clemency and presidential pardon, constitutional limits on pardon power, the relationship between clemency and separation of powers, and the treatment of clemency in serious or extraordinary crimes. This approach enabled the review to integrate constitutional law, rule of law, judicial independence, accountability, and transitional justice literature into a coherent framework for understanding the limits of clemency in democratic rule of law.

Data Analysis

The analysis used thematic synthesis. First, each retained article was coded according to its relevance to RQ1, RQ2, RQ3 and RQ4. Second, recurring themes were grouped into conceptual categories: clemency as prerogative, constitutional limits, separation of powers, judicial review, accountability, serious crimes and transitional justice. Third, the themes were synthesized into five outputs: a conceptual map of executive clemency, a typology of constitutional limits, a Clemency-Separation of Powers Framework, a Serious Crime Clemency Limitation Model and a Constitutional Clemency Limitation Framework.

RESULTS AND DISCUSSION

Overview of Selected Articles

The final synthesis includes 35 articles published between 2021 and 2026. Eighteen articles were classified as core because they directly discuss executive clemency, presidential pardon, amnesty, rule of law, constitutional limits, judicial review or serious crimes. Seventeen articles were classified as supporting articles because they provide supporting evidence from transitional justice, memory politics, commutation, corruption, genocide denial, post-conflict amnesty or serious-crime accountability. The corpus covers multiple contexts, including the United States, United Kingdom, Brazil, Indonesia, Peru, Europe, Colombia, Argentina, Mali, El Salvador, Uruguay, Slovakia, Lithuania, Ukraine, Nigeria, Spain, Central African Republic and Myanmar.

Article Extraction Table

Table 4 presents the extraction of the 35 articles used in the final synthesis. The table separates core articles from supporting articles so that the synthesis does not treat all sources as having equal analytical weight.

Tabel 4. Article Extraction

No	Author(s) & Year	Context / Method	Main Focus	Key Finding	RQ / Use
1	Thelen (2025)	General political theory / executive pardoning; Conceptual-political theory	Executive pardon as benign prerogative	Pardon can be justified as a constitutional prerogative when oriented to the public good, but it remains risky if detached from rule-of-law restraint (Thelen, 2025).	RQ1; RQ2; RQ3; Core
2	Campagna (2021)	Rule-of-law theory; Legal-philosophical analysis	Mercy, pardon and rule of law	Pardon is framed as a discretionary suspension of legal rules, which explains both its corrective function and its tension with equality before law (Campagna, 2021).	RQ1; RQ2; Core
3	Sarat, Gottesfeld, Kettles & Ward (2022)	United States; Empirical-rhetorical legal analysis	Trump-era clemency justifications	Controversial clemencies used conventional rhetoric while bypassing ordinary review practices, showing why public justification matters (Sarat et al., 2022).	RQ1; RQ2; RQ4; Core
4	Costa (2021)	Brazil, 1823-1889; Historical-constitutional analysis	Pardon, public opinion and moderating power	Royal pardon historically carried constitutional value and could interfere with judicial outcomes through moderating power and public opinion (Costa, 2021).	RQ1; RQ2; RQ3; Core
5	Syah, Herlambang, Wedhatami & Marco (2023)	Indonesia; Doctrinal state-administrative analysis	Clemency as administrative dispute	Indonesian presidential clemency raises issues of due process, transparency, accountability and possible administrative-law contestation (Syah et al., 2023).	RQ1; RQ2; RQ3; Core
6	Warjiyati, Faruq, Budiono, Mustaffa & Muzakkir (2025)	Indonesia / corruption crimes; Normative legal analysis	Amnesty and abolition for corruption	Presidential amnesty and abolition for corruption require clearer substantive limits because corruption affects public trust and state integrity (Warjiyati et al., 2025).	RQ2; RQ3; RQ4; Core
7	de Belaunde de Cardenas (2021)	Peru / Fujimori; Socio-legal and transitional justice case study	Judicial overturn of pardon and immunity	Judicial empowerment, independence and conventionality control enabled domestic courts to overturn a pardon for serious human rights violations (de Belaunde De Cárdenas, 2021).	RQ2; RQ3; RQ4; Core
8	Perez-Leon-Acevedo (2022)	European Court of Human Rights; Jurisprudential analysis	ECtHR, amnesties and pardons	ECtHR deference depends on national process, margin of appreciation, human-rights compliance and transition-related impact (Pérez-León-Acevedo, 2022).	RQ2; RQ3; RQ4; Core
9	Vagias (2023)	Comparative	Domestic judges	Domestic judges should	RQ2; RQ3;

		human-rights law; Doctrinal constitutional analysis	and amnesty review	not only uphold or strike down amnesties, but condition them through truth, compensation and case-by-case review (Vagias, 2023).	RQ4; Core
10	Lenta (2023)	Transitional justice / rule of law; Legal-philosophical analysis	Amnesties and rule of law	Whether amnesties violate the rule of law depends on their terms, purposes and the operative conception of rule of law (Lenta, 2023).	RQ1; RQ2; RQ4; Core
11	Masol & Perez-Leon-Acevedo (2025)	Russo-Ukrainian war / IACtHR lessons; Comparative international law analysis	Amnesty and pardon in war crimes contexts	Inter-American jurisprudence offers lessons for limiting amnesties and pardons in contexts involving war crimes and serious violations (Masol & Perez-Leon-Acevedo, 2025).	RQ2; RQ4; Core
12	Giraldo Munoz (2024)	Colombia / Special Jurisdiction for Peace; International humanitarian law analysis	Conditional amnesties and IHL	Colombian transitional arrangements show how amnesties may encourage transition only when conditioned by IHL compliance and exclusions (Giraldo Muñoz, 2025).	RQ2; RQ4; Core
13	Arcaro Conci & Carita Correra (2024)	Brazil / crimes against humanity; Constitutional and international law analysis	Jus cogens, crimes against humanity and limitations	Domestic legal barriers should not neutralize accountability for crimes against humanity committed by state agents (Arcaro Conci & Carita Correra, 2024).	RQ2; RQ4; Core
14	Laise (2023)	Argentina / Mignone-Nino debate; Constitutional and political theory analysis	Forgiveness of crimes against humanity	Forgiveness for radical evil may be argued only as an exceptional transitional necessity, not as ordinary impunity (Laise, 2023).	RQ2; RQ4; Core
15	Rosenberg (2024)	Mali peace process; Qualitative case study / elite interviews	Implicit amnesty and political rehabilitation	Governments may use implicit amnesty to rehabilitate selected armed actors while avoiding formal amnesty for serious crimes (Rosenberg, 2024).	RQ2; RQ4; Core
16	Ansorg & Kurtenbach (2023)	El Salvador and post-war countries; Mixed-methods case study and dataset analysis	Amnesty laws and impunity	Amnesty laws are associated with higher levels of societal, police and military impunity, especially when institutional reform is weak (Ansorg & Kurtenbach, 2023).	RQ2; RQ4; Core
17	Sharnak & Parente (2025)	Uruguay / Gelman decision; Socio-legal and political analysis	Backlash after anti-amnesty jurisprudence	Judicial decisions against amnesty need sustained domestic political and institutional support to produce accountability (Sharnak & Parente, 2025) .	RQ2; RQ3; RQ4; Core

18	Oyinloye, Ngwoke & Eruteya (2024)	United States and United Kingdom; Doctrinal comparative study	Executive clemency for battered women	Clemency may correct systemic criminal-justice failures, but uneven implementation requires independent review, trauma-informed training and standardized criteria (Oyinloye et al., 2024).	RQ1; RQ2; Core
19	Igboin (2023)	Post-colonial African politics; Theo-political contextual analysis	Presidential pardon and political corruption	Presidential pardon can normalize corruption and selective privilege when granted to politically exposed offenders (Igboin, 2023).	RQ1; RQ2; RQ4; Supporting
20	Horvath, Juza, Richvalsky & Safar (2021)	Slovak Republic; Comparative constitutional politics	Presidential powers after direct election	The exercise of presidential power depends on constitutional design and political context, including powers over pardon and amnesty (Horváth et al., 2021).	RQ2; RQ3; Supporting
21	Appleton, Nikatas & Sleinomtaite (2025)	Lithuania; Legal and empirical analysis	Life imprisonment and commutation	Commutation procedures may give life prisoners formal access to hope of release, but practical design determines whether the hope is realistic (Appleton et al., 2025).	RQ1; RQ2; Supporting
22	Surzik (2022)	Ukraine / Constitutional Court and ECtHR; Doctrinal legal analysis	Clemency, parole and life imprisonment	Constitutional and ECHR standards require a realistic prospect of release for life prisoners, linking clemency to human dignity (Surzik, 2022).	RQ2; Supporting
23	Nath & Prasad (2024)	Death penalty jurisdictions; Normative comparative analysis	Commutation of death sentences	A capabilities approach supports commutation where human dignity, rehabilitation and social healing justify moving away from capital punishment (Nath & Prasad, 2024).	RQ1; RQ4; Supporting
24	Agboga (2022)	Nigeria; Political/legal analysis	Selective forgiveness and amnesty politics	Selective amnesty may reproduce ethnic and political inequality when forgiveness is distributed through partisan considerations (Agboga, 2022).	RQ4; Supporting
25	Adibe, Akpan, Nnamani, Ezeme & Nnaegbo (2024)	Nigeria / Zamfara State; Qualitative security-governance analysis	Banditry and amnesty programme	Amnesty without institutional strength and accountability may fail to address violence and may strengthen impunity (Adibe et al., 2024).	RQ4; Supporting
26	Hatcher (2022)	El Salvador; Memory and transitional justice analysis	Amnesty, truth, memory and justice	The struggle over amnesty is also a struggle over memory, truth and the victims' right to justice after civil war (Hatcher,	RQ4; Supporting

				2022).	
27	Hepworth (2023)	Spain; Legal and memory-politics analysis	Memory activism and amnesty law	The continued application of amnesty law can create a legal vacuum that pushes civil-society activism for truth and justice (Hepworth, 2023).	RQ4; Supporting
28	Chulio (2025)	Spain; Transitional justice and forensic analysis	Forensic exhumations and post-conflict violence	Forensic exhumations respond to the justice and truth deficits left by unresolved amnesty-based transitions (Chulio, 2025).	RQ4; Supporting
29	Fonseret & Lopez (2024)	Southern Europe / Spain; Comparative historical analysis	Transitional justice and fascist impunity	Different transitional justice paths in southern Europe show how amnesty can preserve impunity and delay reconciliation (Fonseret & López, 2024).	RQ4; Supporting
30	de Oliveira & Cabral (2021)	Brazil; Historical-constitutional and transitional justice analysis	Truth commission, memory and amnesty	Brazilian accountability for human-rights violations remains constrained by amnesty and elite control over memory politics (de Oliveira & Cabral, 2021).	RQ4; Supporting
31	Koko (2021)	Central African Republic; Policy and transitional justice analysis	Post-transition justice options	Conditional amnesty may be combined with prosecution, reparations, truth commission and community-based reconciliation (Koko, 2021).	RQ4; Supporting
32	Hossain (2024)	Myanmar / Rohingya; Empirical qualitative study	Genocide denial and transitional justice	Truth-seeking, restorative amnesty and rehabilitation programmes may help confront denial, but genocide requires strong accountability (Hossain, 2024).	RQ4; Supporting
33	Naumkina, Kokoriev & Yatvetska (2024)	Ukraine and world experience; Comparative policy review	Transitional justice after armed conflict	Transitional justice may include truth commissions, reparations and amnesty for minor offences, while serious crimes require prosecution (Naumkina et al., 2024).	RQ4; Supporting
34	Nenningsland (2024)	Post-conflict countries; Quantitative cross-national analysis	Transitional justice and corruption	Well-implemented transitional justice matters, but amnesties are positively associated with regime corruption (Nenningsland, 2024).	RQ4; Supporting
35	Lemaitre Ripoll (2025)	Colombia / FARC-EP / JEP; International humanitarian law case analysis	Detention by non-state actors as war crime	Colombian JEP reasoning illustrates how war-crime classification limits the scope of amnesty for non-state actors (Lemaitre Ripoll, 2025).	RQ4; Supporting

Findings for RQ1: Concept of Executive Clemency and Presidential Pardon

RQ1 asks how the literature explains executive clemency and presidential pardon in democratic rule of law. The synthesis shows that clemency is explained through four connected meanings: prerogative mercy, corrective legality, humanitarian intervention and constitutionalized discretion (Campagna, 2021; Oyinloye et al., 2024; Thelen, 2025). As prerogative mercy, clemency carries historical residue of sovereign power and exceptional decision-making (Costa, 2021; Thelen, 2025). As corrective legality, clemency can respond to harsh sentences, procedural unfairness, wrongful outcomes or circumstances not adequately captured by criminal law (Campagna, 2021; Oyinloye et al., 2024).

The literature also shows that clemency is not reducible to compassion. It is a constitutional practice that affects institutional trust, equality, legitimacy and public accountability (Sarat et al., 2022; Syah et al., 2023). Clemency can be benign when it corrects legal rigidity or supports public good, but it becomes problematic when used to reward loyalists, protect elites or create selective forgiveness (Agboga, 2022; Igboin, 2023; Sarat et al., 2022). Therefore, the concept of clemency in democratic rule of law must include both its mercy function and its accountability risk (Campagna, 2021; Lenta, 2023).

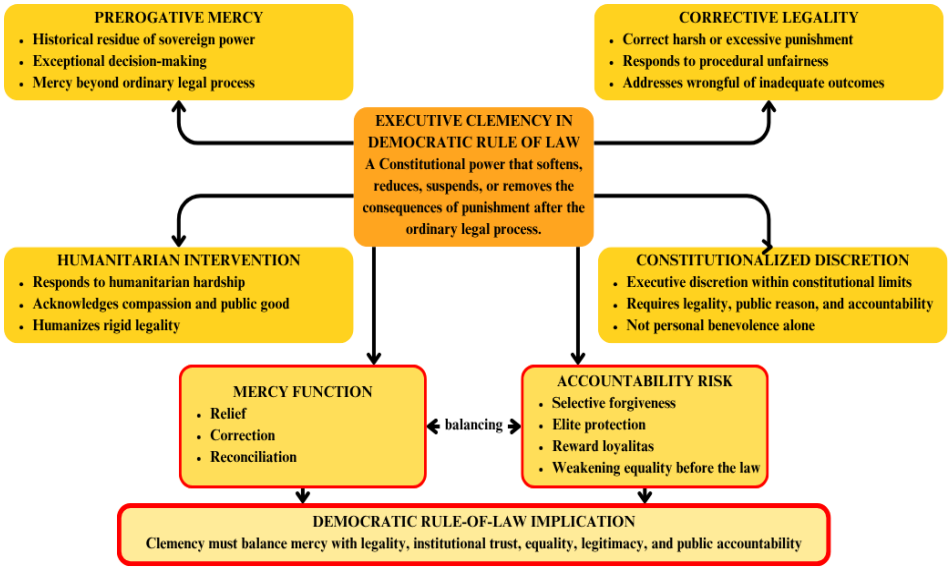


Figure 2. Conceptual Map of Executive Clemency

Findings for RQ2: Constitutional Limits of Presidential Pardon Power

RQ2 asks what constitutional limits are discussed in the literature regarding presidential pardon power. The first dominant finding is that constitutional limits must begin with a clear legal basis. Clemency cannot be legitimate in a constitutional democracy if the scope of authority, eligible measures, competent institution and legal effects are vague (Horváth et al., 2021; Syah et al., 2023). The second finding is that substantive limits are necessary for serious crimes, especially corruption, crimes against humanity, war crimes and gross human-rights violations (Arcaro Conci & Carita Correra, 2024; Masol & Perez-Leon-Acevedo, 2025; Warjiyati et al., 2025).

The third finding is that procedural and institutional safeguards are central. Literature on Indonesia, battered women, the ECtHR and domestic constitutional review emphasizes reasons, criteria, advisory review, independent boards, victim-sensitive assessment, judicial scrutiny and human-rights compliance (Oyinloye et al., 2024; Pérez-León-Acevedo, 2022; Syah et al., 2023; Vagias, 2023). The fourth finding is that transparency and accountability are not merely administrative preferences; they are constitutional safeguards against arbitrary

mercy, selective forgiveness and impunity (Ansorg & Kurtenbach, 2023; Nenningsland, 2024; Sarat et al., 2022).

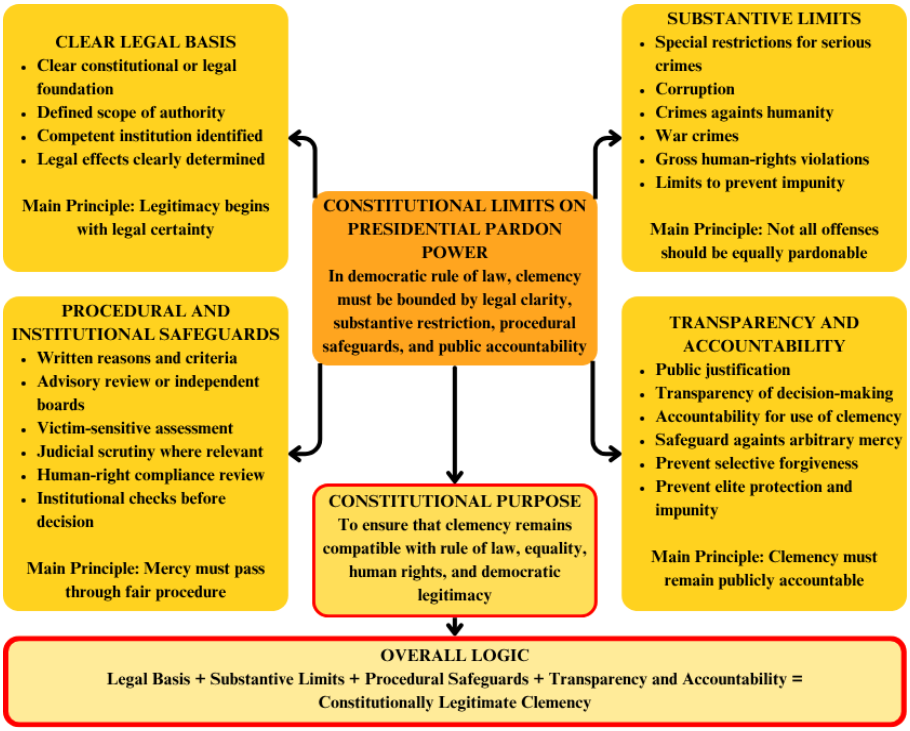


Figure 3. Typology of Constitutional Limits

Findings for RQ3: Clemency, Separation of Powers, and Judicial Independence

RQ3 asks how executive clemency relates to separation of powers, judicial independence and checks and balances. The synthesis shows that clemency creates a structural tension because it is an executive act with judicial consequences (Costa, 2021; Syah et al., 2023). This tension is not automatically unconstitutional because most constitutional systems recognize that executive mercy may operate after conviction, but the tension becomes dangerous when clemency is used to nullify judicial accountability without legal standards or public reasons (de Belaunde De Cárdenas, 2021; Sarat et al., 2022).

The literature indicates that judicial involvement can protect rather than destroy separation of powers. The Fujimori pardon shows that courts can protect human-rights accountability by reviewing clemency effects in cases of serious violations (de Belaunde De Cárdenas, 2021). ECtHR scholarship shows that courts may calibrate deference by examining national process, discretion, international obligations and democratic transition concerns (Pérez-León-Acevedo, 2022). Domestic-judge scholarship further argues that constitutional courts should condition amnesty through truth, reparation and case-by-case implementation rather than relying only on binary invalidation or approval (Vagias, 2023).

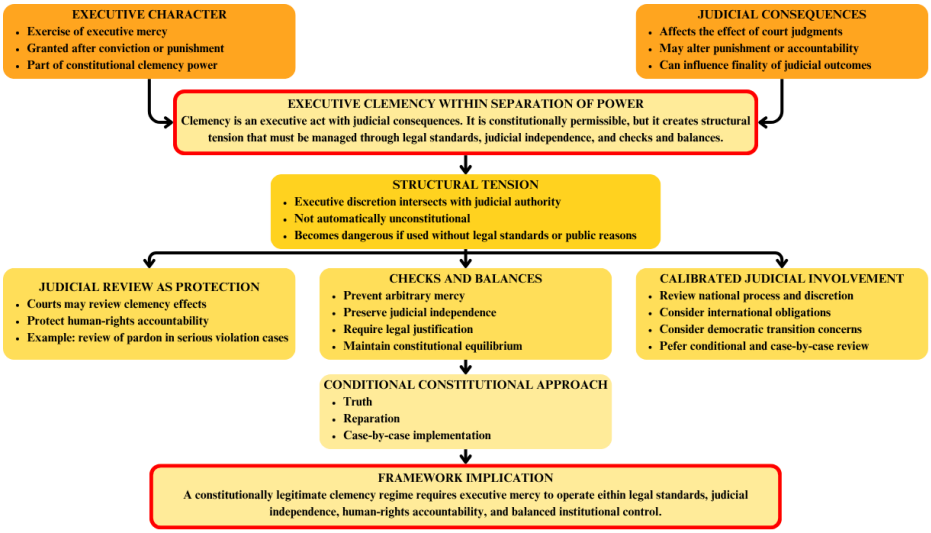


Figure 4. Clemency-Separation of Powers Framework

Findings for RQ4: Clemency for Serious Crimes and Extraordinary Crimes

RQ4 asks how the literature discusses clemency for serious crimes or extraordinary crimes. The synthesis finds a strong consensus that serious-crime clemency requires a higher threshold than ordinary clemency. Amnesty or pardon for corruption can weaken public trust because corruption is linked to state integrity and public resources (Nenningsland, 2024; Warjiyati et al., 2025). Pardon or amnesty for gross human-rights violations, war crimes, genocide or crimes against humanity can conflict with victims' rights, anti-impunity obligations and international standards (Arcaro Conci & Carita Correra, 2024; de Belaunde De Cárdenas, 2021; Hossain, 2024; Masol & Perez-Leon-Acevedo, 2025).

The literature does not support a simplistic conclusion that all serious-crime amnesties are identical. Conditional transitional arrangements may be defended where they are connected to truth, reparations, disarmament, cooperation and peacebuilding, but blanket impunity and hidden executive non-enforcement are strongly criticized (Giraldo Muñoz, 2025; Koko, 2021; Rosenberg, 2024). Evidence from El Salvador, Spain, Brazil, Nigeria, Mali and post-conflict datasets shows that amnesty without accountability can reproduce impunity, weaken victims' rights and delay truth or institutional reform (Ansorg & Kurtenbach, 2023; de Oliveira & Cabral, 2021; Hatcher, 2022; Hepworth, 2023).

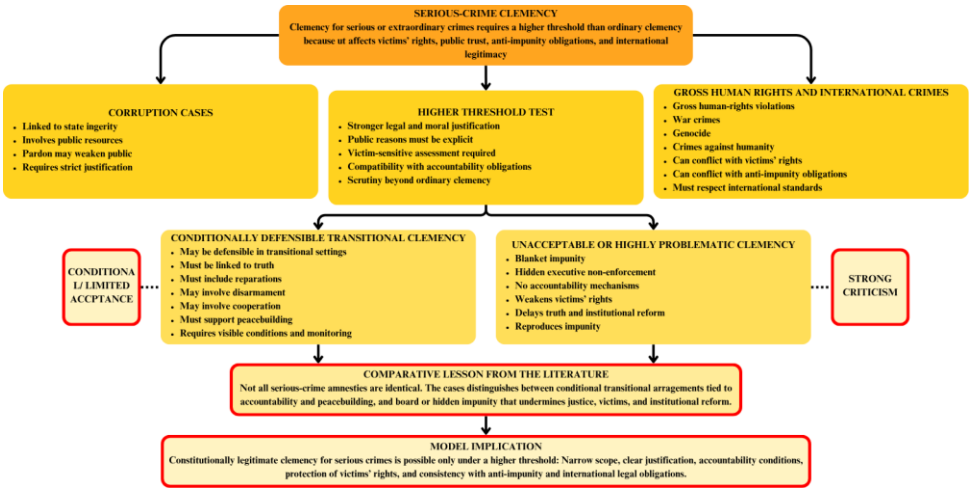


Figure 5. Serious Crime Clemency Limitation Model

Summary of Key Findings

Tabel 5. Summary of Key Findings

RQ	Dominant Finding	Output
RQ1	Executive clemency is best understood as constitutionalized mercy: a corrective and humanitarian power that remains risky when detached from rule-of-law safeguards.	Conceptual map of executive clemency
RQ2	Constitutional limits include legal basis, substantive restrictions, procedural criteria, institutional consideration, judicial/human-rights review, transparency and accountability.	Typology of constitutional limits
RQ3	Clemency is an executive power with judicial consequences; it requires constitutional mediation to protect judicial independence and checks and balances.	Clemency-Separation of Powers Framework
RQ4	Serious-crime clemency requires a higher threshold, exclusion of blanket impunity, victim-sensitive safeguards and compliance with human-rights obligations.	Serious Crime Clemency Limitation Model

From Prerogative Power to Constitutional Accountability

The findings indicate a conceptual shift from prerogative power to constitutional accountability. The old idea of clemency as an extraordinary act of mercy remains important, but modern democratic rule of law requires that the exercise of mercy be connected to legal authority, public purpose and institutional safeguards (Costa, 2021; Thelen, 2025). This shift does not remove the executive from the clemency process; instead, it reframes executive discretion as a constitutional responsibility rather than a personal privilege (Sarat et al., 2022; Syah et al., 2023)

This shift is visible across jurisdictions and issue areas. In the United States, the Trump clemency cases show the need for public justification and procedural credibility (Sarat et al., 2022). In Indonesia, the Antasari Azhar case shows that grasi can raise questions of administrative accountability and due process (Syah et al., 2023). In Brazil, Peru, Colombia and Europe, the literature shows that clemency and amnesty must be tested against constitutional structure, victims' rights and international human-rights obligations (Costa, 2021; de Belaunde De Cárdenas, 2021; Giraldo Muñoz, 2025; Pérez-León-Acevedo, 2022).

Clemency and the Tension Between Mercy and Justice

The central normative tension is between mercy and justice. Mercy allows the state to prevent law from becoming excessively rigid, especially in cases involving disproportionate punishment, trauma, humanitarian hardship or rehabilitation (Campagna, 2021; Nath & Prasad, 2024; Oyinloye et al., 2024). Justice, however, requires equality, accountability, victim recognition and respect for judicial finality (Campagna, 2021; de Belaunde De Cárdenas, 2021; Hatcher, 2022).

The literature suggests that this tension should not be solved by eliminating clemency or by giving the executive unlimited discretion. Lenta's rule-of-law analysis shows that the legality of amnesty depends on terms, reasons and context, while Vagias argues for conditional and case-by-case judicial treatment of amnesty laws (Lenta, 2023; Vagias, 2023). Therefore, the defensible solution is a bounded mercy model: clemency remains possible, but the burden of justification increases when the crime is serious, the offender is politically connected, or victims' rights are affected (Rosenberg, 2024; Warjiyati et al., 2025).

Constitutional Limits as a Safeguard of Democratic Rule of Law

Constitutional limits should be understood as safeguards, not as hostility toward mercy. Clear limits protect the executive from arbitrary decision-making, protect the judiciary from improper interference, protect victims from erasure, and protect the public from impunity (Pérez-León-Acevedo, 2022; Vagias, 2023). Substantive limits are especially important for corruption and serious human-rights violations because these offences affect the integrity of state institutions and public trust (Nenningsland, 2024; Warjiyati et al., 2025)

Procedural and institutional limits are equally important. Independent review boards, written reasons, public criteria, victim-sensitive processes, advisory opinions and judicial review can transform clemency from opaque benevolence into reasoned constitutional decision-making (Oyinloye et al., 2024; Syah et al., 2023). Human-rights and transitional justice scholarship also shows that truth, reparation, cooperation and reconciliation can function as conditions for limited amnesty, while blanket impunity should be rejected (Giraldo Muñoz, 2025; Koko, 2021; Naumkina et al., 2024)

Proposed Framework: Constitutional Clemency Limitation Framework

Based on the synthesis, this review proposes the Constitutional Clemency Limitation Framework. The framework begins with a clear constitutional basis because executive clemency must be traceable to law and not only to political will (Horváth et al., 2021; Syah et al., 2023). It then requires substantive limitation because some offences, especially corruption, war crimes, crimes against humanity, genocide and gross human-rights violations, require exclusion or a heightened threshold (Hossain, 2024; Masol & Perez-Leon-Acevedo, 2025; Warjiyati et al., 2025).

The framework further requires institutional consideration, procedural fairness, transparency and accountability. Institutional consideration may include courts, advisory boards, parliament or human-rights institutions depending on constitutional design (Pérez-León-Acevedo, 2022; Vagias, 2023). Procedural fairness requires criteria, evidence, victim-sensitive assessment and written reasons, while transparency and accountability require public explanation and (Oyinloye et al., 2024; Sarat et al., 2022). The expected outcome is democratic rule of law: clemency remains available as mercy and correction, but cannot operate as a concealed mechanism of impunity (Ansorg & Kurtenbach, 2023; Lenta, 2023).

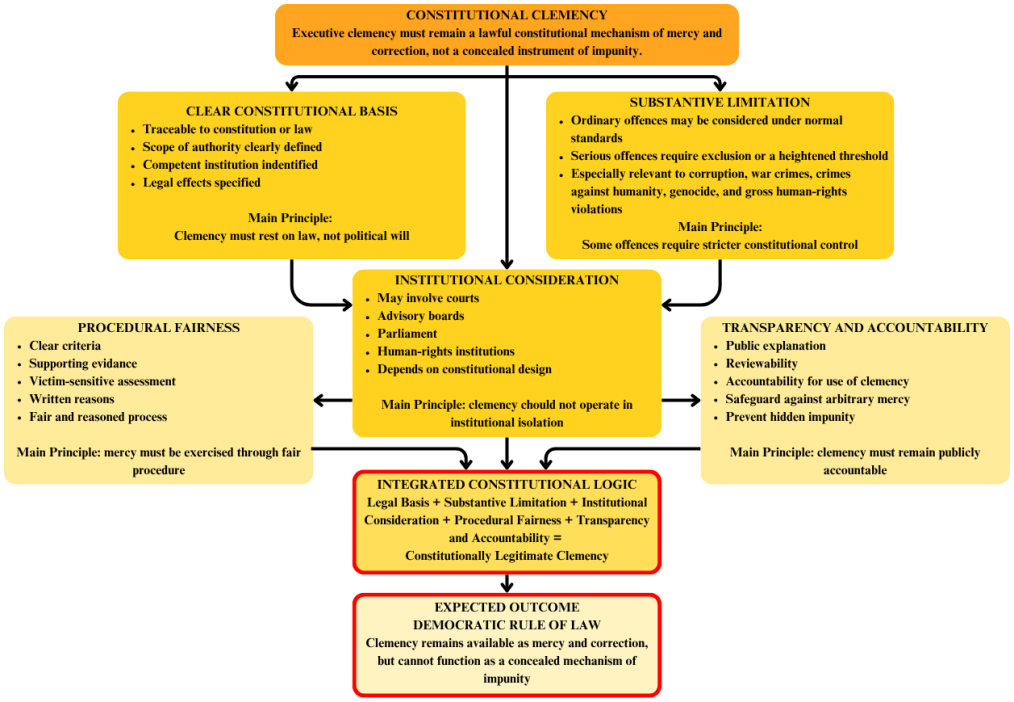


Figure 6. Proposed Framework: Constitutional Clemency Limitation Framework

Theoretical Implications

Theoretically, this review contributes to constitutional law by reframing clemency as an accountability problem rather than merely a presidential privilege. It also contributes to rule-of-law theory by showing that mercy and legality are not necessarily opposites when clemency is structured by constitutional standards (Campagna, 2021; Lenta, 2023; Thelen, 2025). Furthermore, the review connects clemency scholarship with transitional justice

scholarship by showing how amnesty, pardon and commutation operate differently across ordinary criminal justice, post-conflict settlement and serious-crime accountability (Ansorg & Kurtenbach, 2023; Giraldo Muñoz, 2025; Hossain, 2024).

Practical and Policy Implications

Practically, the findings suggest that lawmakers should define the scope, procedure and limits of clemency more clearly. Legal frameworks should distinguish ordinary corrective clemency from clemency involving corruption, terrorism, war crimes, crimes against humanity, genocide or gross human-rights violations (Masol & Perez-Leon-Acevedo, 2025; Warjiyati et al., 2025). Decision-makers should also adopt written reasons, transparent criteria, independent review mechanisms and victim-sensitive procedures to prevent clemency from becoming selective political privilege (Oyinloye et al., 2024; Sarat et al., 2022; Syah et al., 2023).

For Indonesia, the reviewed literature is relevant to debates on grasi, amnesti, abolisi and rehabilitasi. Indonesian scholarship shows that clemency can be questioned through administrative accountability and that corruption-related amnesty or abolition requires clearer restrictions (Syah et al., 2023; Warjiyati et al., 2025). Comparative human-rights scholarship also suggests that any Indonesian framework should consider judicial independence, victims' rights and international accountability standards when clemency concerns extraordinary crimes (de Belaunde De Cárdenas, 2021; Pérez-León-Acevedo, 2022; Vagias, 2023).

Future Research Agenda

Future research should test the Constitutional Clemency Limitation Framework in specific constitutional systems. Comparative studies could examine how presidential, parliamentary and semi-presidential systems regulate pardon, amnesty, abolition and commutation (Horváth et al., 2021; Pérez-León-Acevedo, 2022). Empirical research could examine whether transparent criteria, advisory boards and judicial review improve public trust in clemency decisions (Oyinloye et al., 2024; Sarat et al., 2022). Doctrinal research could also focus on clemency for corruption, terrorism, genocide, war crimes and crimes against humanity in Indonesia and other democratic rule-of-law systems (Hossain, 2024; Masol & Perez-Leon-Acevedo, 2025; Warjiyati et al., 2025).

CONCLUSION

This systematic literature review concluded that executive clemency and presidential pardons remain essential yet constitutionally sensitive powers within democratic systems governed by the rule of law. The findings demonstrated that clemency can mitigate disproportionate punishment, address humanitarian circumstances, support rehabilitation, and facilitate political or social transitions. However, its misuse may contribute to impunity, preferential treatment, and conflicts with the finality of judicial decisions. Accordingly, the exercise of clemency should be subject to clear constitutional and legal authority, substantive limitations, institutional oversight, procedural fairness, transparency, accountability, and respect for human rights. Through the synthesis of 35 selected articles, this review developed five principal contributions: a conceptual map of executive clemency, a typology of constitutional limitations, a Clemency–Separation of Powers Framework, a Serious Crime Clemency Limitation Model, and an overarching Constitutional Clemency Limitation Framework. These contributions provide an integrated, concept-centered foundation for future comparative research and constitutional policy evaluation. Nevertheless, the study was limited to English-language journal articles indexed in Scopus and published between 2021 and 2026, potentially excluding relevant non-English publications, books, legal reports, domestic legal scholarship, and foundational studies. Furthermore, the proposed frameworks remained conceptual and had not been empirically validated within specific national jurisdictions. Future research should therefore examine their applicability across different

constitutional systems through comparative legal analysis, case studies, and empirical investigations of clemency practices. Overall, the findings emphasized that executive clemency is not inherently incompatible with the rule of law; rather, its unrestricted exercise may undermine constitutional accountability and judicial independence. Democratic constitutional systems should therefore preserve the humanitarian and corrective functions of clemency while preventing impunity through legally constrained, transparent, and accountable executive decision-making.

FUNDING

This study did not receive any specific funding from governmental institutions, private organizations, or other funding agencies.

CONFLICT OF INTEREST

The authors declare that there are no conflicts of interest related to the conduct of the research, preparation, or publication of this article.

AUTHOR CONTRIBUTIONS

All authors contributed to the preparation of this article. Timbul Sinaga and Bambang Widarto, was responsible for the conceptualization of the study, data collection and analysis, interpretation of the results, and manuscript preparation. The other authors contributed to the review, editing, and final approval of the manuscript.

GENERATIVE AI STATEMENT

The authors declare that no generative artificial intelligence was used in the preparation of this article.

REFERENCES

Adibe, R. C., Akpan, I. E., Nnamani, R. G., Ezeme, P., & Nnaegbo, O. (2024). Banditry, institutional weakness and the Zamfara State amnesty programme. Ikenga, 25(2). https://doi.org/10.53836/ijia/2024/25/2/007

Agboga, V. (2022). Selective forgiveness and the politics of amnesties in Nigeria. Round Table, 111(5), 567–581. https://doi.org/10.1080/00358533.2022.2131224

Ansorg, N., & Kurtenbach, S. (2023). Promoting Peace and Impunity? Amnesty Laws after War in El Salvador and beyond. Journal of Global Security Studies, 8(2). https://doi.org/10.1093/jogss/ogad010

Appleton, C., Nikatas, S., & Šleinotaitė, G. (2025). Hope of Release? Life Imprisonment in Lithuania. Baltic Journal of Law and Politics, 18(1), 51–76. https://doi.org/10.2478/bjlp-2025-0010

Arcaro Conci, L. G., & Carita Correra, M. (2024). Challenging the Ineffectiveness of International Judgments in Cases of Crimes Against Humanity Committed by Agents of the Brazilian State During Political Repression: Jus Cogens and the Statute of Limitations. Estudios Constitucionales, 22(2), 36–68. https://doi.org/10.4067/S0718-52002024000200036

Campagna, G. (2021). The Miracle of Mercy. Oxford Journal of Legal Studies, 41(4), 1096–1118. https://doi.org/10.1093/ojls/gqab017

Chulio, N. M. (2025). Transitional Justice and Forensic Exhumations: Reconciling Post-Conflict Violence in Spain. International Journal for Crime, Justice and Social Democracy, 14(2), 13–29. https://doi.org/10.5204/ijcjsd.3901

Costa, A. B. A. (2021). The mild weapon of the crown: Making the constitutional value of pardon with public opinion and the interference of the moderating power over the

judiciary (Brazil, 1823-1889). Direito, Estado e Sociedade, 2021(59), 84–109. https://doi.org/10.17808/des.0.1720

de Belaunde De Cárdenas, J. A. (2021). Holding the line on human rights accountability: Explaining the unlikely judicial overturn of the pardon and immunity granted to human rights violator Alberto Fujimori. Derecho PUCP, 85, 413–469. https://doi.org/10.18800/DERECHOPUCP.202002.012

de Oliveira, R. R. N., & Cabral, R. L. G. (2021). National Truth Commission in Brazil: the Thread of History and the Right to Memory and Truth. Opinion Juridica, 20(43), 113–140. https://doi.org/10.22395/ojum.v20n43a4

Fonseret, R. M., & López, P. P. (2024). Transitional justice and impunity for fascism in southern Europe: the case of Spain in a comparative perspective. Culture and History Digital Journal, 13(2). https://doi.org/10.3989/chdj.2024.523

Giraldo Muñoz, M. (2025). Amnesties as a means of encouraging transition and strengthening the application of IHL in Colombia: The case of the Special Jurisdiction for Peace. International Review of the Red Cross, 107(930), 874–901. https://doi.org/10.1017/S1816383124000262

Hatcher, R. (2022). AMNESTY IN EL SALVADOR: THE LONG AND WINDING ROAD TO JUSTICE, TRUTH, AND MEMORY. Quebec Journal of International Law, 2022-June(Special issue), 121–142. https://doi.org/10.7202/1091083ar

Hepworth, A. (2023). Memory Activism as Advocacy for Transitional Justice: Memory Laws, Mass Graves and Impunity in Spain. International Journal of Transitional Justice, 17(2), 268–285. https://doi.org/10.1093/ijtj/ijad017

Horváth, P., Juza, P., Richvalský, L., & Šafár, M. (2021). Exercise of the presidential powers in the slovak republic in a comparative perspective (1999 – 2019). Slovak Journal of Political Sciences, 21(1), 51–78. https://doi.org/10.34135/sjps.210103

Hossain, M. P. (2024). Transitional Justice to Address Genocide Denial: A Case Study of the Rohingya in Myanmar. International Annals of Criminology, 62(2), 356–378. https://doi.org/10.1017/cri.2024.17

Igboin, B. O. (2023). An Afro-Christian contextual analysis of presidential pardon in post-colonial African politics. Acta Theologica, 2023, 39–60. https://doi.org/10.38140/at.vi.7027

Koko, S. (2021). Implementing transitional justice in post-transition Central African Republic: What viable options? African Human Rights Law Journal, 21(2), 954–984. https://doi.org/10.17159/1996-2096/2021/v21n2a38

Laise, L. D. (2023). Turning the Page in the Face of Radical Evil: A Critical Reappraisal of the Mignone-Nino Debate on Forgiving Crimes Against Humanity. Revista Juridica Digital Uandes, 7(1), 98–117. https://doi.org/10.24822/rjduandes.0701.7

Lemaitre Ripoll, J. (2025). When is detention by non-State actors a war crime? The Special Jurisdiction for Peace's decision on hostage-taking by the FARC-EP. International Review of the Red Cross, 107(930), 902–914. https://doi.org/10.1017/S1816383124000638

Lenta, P. (2023). Amnesties, Transitional Justice and the Rule of Law. Hague Journal on the Rule of Law, 15(3), 441–469. https://doi.org/10.1007/s40803-023-00199-9

Masol, S., & Perez-Leon-Acevedo, J.-P. (2025). Lessons to learn? Using the Inter-American Court of Human Rights' jurisprudence on amnesties and pardons in the context of the Russo-Ukrainian War. Leiden Journal of International Law, 38(2), 361–387. https://doi.org/10.1017/S0922156524000335

Nath, A., & Prasad, S. S. G. (2024). Validating the commutation of death sentence using human 'capabilities.' Discover Global Society, 2(1). https://doi.org/10.1007/s44282-024-00116-x

Naumkina, S., Kokoriev, O., & Yatvetska, H. (2024). TRANSITIONAL JUSTICE AS AN EFFICIENT MECHANISM FOR OVERCOMING THE CONSEQUENCES OF ARMED CONFLICTS: WORLD EXPERIENCE. Evropsky Politicky a Pravni Diskurz, 11(3), 13–23. https://doi.org/10.46340/eppd.2024.11.3.2

Nenningsland, D. (2024). Making or breaking the cycle of corruption: Exploring the impact of transitional justice on corruption in postconflict countries. Journal of Human Rights, 23(4), 327–345. https://doi.org/10.1080/14754835.2024.2374563

Oyinloye, T. Q., Ngwoke, R. A., & Eruteya, U. (2024). A COMPARATIVE STUDY OF EXECUTIVE CLEMENCY FOR BATTERED WOMEN IN MURDER CASES: PERSPECTIVES FROM THE UNITED STATES AND UNITED KINGDOM. International Comparative Jurisprudence, 10(2), 295–310. https://doi.org/10.13165/j.icj.2024.12.009

Pérez-León-Acevedo, J.-P. (2022). The European Court of Human Rights (ECtHR) vis-à-vis amnesties and pardons: factors concerning or affecting the degree of ECtHR's deference to states. International Journal of Human Rights, 26(6), 1107–1137. https://doi.org/10.1080/13642987.2022.2027761

Rosenberg, S. T. (2024). Terrorists versus Rebels: The Strategic Use of Implicit Amnesty in the Peace Process in Mali. International Studies Quarterly, 68(2). https://doi.org/10.1093/isq/sqae011

Sarat, A., Gottesfeld, L., Kettles, C., & Ward, O. (2022). Donald Trump's Clemencies: Unconventional Acts, Conventional Justifications. British Journal of American Legal Studies, 11(1), 173–207. https://doi.org/10.2478/bjals-2022-0005

Sharnak, D., & Parente, F. (2025). From Cautious Optimism to Backlash: Uruguay and the Gelman Decision after Ten Years. Journal of Latin American Studies, 57(2), 277–301. https://doi.org/10.1017/S0022216X25100709

Surzik, Y. V. (2022). Decision of the Constitutional Court of Ukraine on the Constitutionality of Articles 81, 82 of the Criminal Code of Ukraine in the Practical Use of the European Court of Human Rights. Law. Human. Environment, 13(3), 65–71. https://doi.org/10.31548/law2022.03.008

Syah, A. M., Herlambang, P. H., Wedhatami, B., & Marco, C. (2023). Granting Clemency to Antasari Azhar as the Object of a State Administrative Law Dispute. Indonesian State Law Review, 6(2), 177–200. https://doi.org/10.15294/islrev.v6i1.68233

Thelen, I. (2025). The "benign prerogative": Political theory and executive pardoning. Presidential Studies Quarterly, 55(1), 19–33. https://doi.org/10.1111/psq.12895

Vagias, M. (2023). Rethinking Amnesties and the Function of the Domestic Judge. Constitutional Review, 9(1), 142–178. https://doi.org/10.31078/consrev915

Warjiyati, S., Faruq, U., Budiono, A., & Mustaffa, A. (2025). Problems Of Granting Amnesty and Abolition by the President for Corruption Crimes. Architecture Image Studies, 6(3), 1924–1933. https://doi.org/10.62754/ais.v6i3.538)