

Harmonization of the Regulation of Acquittals in the Indonesian Criminal Justice System After the National Kuhap

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Abstract

The fundamental changes in Indonesian criminal procedure law through the ratification of Law Number 20 of 2025 concerning the Criminal Procedure Code (hereinafter referred to as the National Criminal Procedure Code), which came into effect on January 2, 2026, replacing Law Number 8 of 1981, have significant implications for the regulation of acquittals (*vrijspraak*) in the criminal justice system. For more than four decades, the regulation of acquittals under the old Criminal Procedure Code regime was marked by normative disharmony, particularly between the prohibition on cassation expressly stated in Article 244 and judicial practice that continued to accept cassation requests from the Public Prosecutor through the jurisprudential construction of "impure acquittals" (*niet zuivere vrijspraak*). This study aims to analyze how the National Criminal Procedure Code harmonizes the regulation of acquittals and identifies new legal issues that arise during the transition period of its implementation. The research uses a normative juridical method with a statute approach, a conceptual approach, and a case approach, supported by a search for primary, secondary, and tertiary legal materials. The results of the study indicate that the National Criminal Procedure Code firmly closes the gap in the doctrine of impure acquittal through Article 299 paragraph (2) letter a which prohibits cassation against acquittal without exception, reinforced by Supreme Court Circular Letter Number 4 of 2026. However, this harmonization has not been fully completed because new debates have arisen regarding the openness of appeals against acquittals due to the inconsistency of the formulation of Article 244 and Article 285 of the National Criminal Procedure Code, as well as the issue of the application of the transitional provisions of Article 361 letter c in cases ongoing during the transition period. This study recommends the need for further affirmation through implementing regulations and consistency of Supreme Court guidelines so that the principles of legal certainty, protection of the defendant's human rights, and balance of law enforcement interests can be fully realized.

Keywords: *acquittal; legal harmonization; National Criminal Procedure Code; legal remedies; cassation*

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3rd International Conference Epicentrum of Economic Global Framework (ICEEGLOF)
Theme: Cross-Sector and Cross-Disciplinary Strategies for Achieving the SDGS
<https://proceeding.pancabudi.ac.id/index.php/ICEEGLOF>

Introduction

An acquittal (*vrijspraak*) is a type of court decision in a criminal case that is handed down when the judge, based on the examination at trial, is of the opinion that the defendant's guilt for the alleged act has not been legally and convincingly proven as stipulated in the principle of minimum proof. This decision is a direct consequence of the principle of presumption of innocence and the principle of *in dubio pro reo*, which places the burden of proof entirely on the Public Prosecutor. In the philosophy of criminal procedural law that upholds the protection of human rights, an acquittal decision is ideally final and cannot be disputed through legal remedies, because it involves the assessment of facts (*judex facti*) which is the exclusive authority of the first instance court.

Unfortunately, for more than forty years since Law Number 8 of 1981 concerning Criminal Procedure (hereinafter referred to as the Old Criminal Procedure Code) has been in effect, the regulation of acquittals has become one of the most problematic points in Indonesian criminal justice practice. Article 244 of the Old Criminal Procedure Code textually states that an acquittal cannot be appealed. However, this provision has never been consistently applied in practice. The Supreme Court, through a series of jurisprudence since the 1980s, developed the doctrine of "impure acquittal" (*niet zuivere vrijspraak*), namely an acquittal that contains elements of consideration regarding the elements of the crime that are not fully related to the pure factual assessment, and therefore is considered capable of being appealed. This doctrine arose from a normative vacuum and the absence of a clear definition of the boundary between pure and impure acquittals in the Old Criminal Procedure Code, thus opening up a wide and heterogeneous interpretation among Supreme Court justices, practitioners, and legal academics.

This disharmony between textual norms and judicial practice has given rise to prolonged legal uncertainty. On the one hand, defendants who have been acquitted by the first instance court may still face the threat of cassation by the Public Prosecutor, which substantially contradicts the principle of *ne bis in idem* and the principle of protection against the risk of repeated conviction (double jeopardy) adopted by many modern legal systems. On the other hand, the lack of certainty regarding the criteria for an "impure acquittal" results in its application being highly dependent on the subjective interpretation of the panel of Supreme Court justices in each case, thus giving rise to disparities in decisions that violate the principles of legal certainty (*rechtszekerheid*) and equality before the law.

The momentum of major change occurred when the House of Representatives of the Republic of Indonesia together with the Government ratified the Draft Law on the Criminal Procedure Code into Law Number 20 of 2025 in the 8th Plenary Session of the House of Representatives of the Republic of Indonesia for Session Period II of Session Year 2025-2026 on November 18, 2025. This National Criminal Procedure Code was drafted to accompany and align itself with Law Number 1 of 2023 concerning the Criminal Code (National Criminal Code) which came into effect on the same date, namely January 2, 2026. The formation of the National Criminal Procedure Code brought fourteen major substantive updates, including the adjustment of criminal procedure law to developments in national and international law, strengthening the protection of the rights of victims and vulnerable groups, regulating stricter detention conditions, introducing the concept of plea bargaining and deferred prosecution agreement, strengthening corporate criminal liability, and which is the main focus of this research, affirming regulations regarding legal remedies against acquittals.

The National Criminal Procedure Code, through Article 299 paragraph (2) letter a, explicitly states that a cassation request cannot be submitted against an acquittal, without opening up the space for exceptions as has been exploited through the doctrine of impure acquittal. This assertion was then reinforced by the Supreme Court through Supreme Court Circular Letter (SEMA) Number 4 of 2026 which expressly prohibits the acceptance of cassation requests against acquittals. This step can be seen as a significant effort to harmonize textual norms and judicial practice, as well as strengthening the principle of the finality of acquittals as a form of protection of the defendant's human rights.

However, closing the gap in the doctrine of incomplete acquittal does not immediately bring about complete harmonization. The formulation of Article 244 of the National Criminal Procedure Code which regulates the status of detention after a verdict, with a difference in wording between the paragraph regulating the acquittal and the paragraph regulating the verdict of release from all legal charges (*ontslag van alle rechtsvervolging*), has given rise to new debate regarding whether an appeal against an acquittal can still be taken based on Article 285 paragraph (1) which regulates the authority to appeal in general without express exceptions, or whether it is completely closed as interpreted by some practitioners based on the systematics of Article 244 paragraphs (2) and (4). Another problem also arises in the application of the transitional provisions of Article 361 letter c of the National Criminal Procedure Code to criminal cases that have been transferred to the court and have begun to be examined before the National Criminal Procedure Code comes into effect, especially regarding the procedural legal regime that applies to cassation appeals filed after the National Criminal Procedure Code comes into effect.

Based on the description, this research is important to conduct a comprehensive study on how the harmonization of the regulation of acquittal decisions is carried out through the National Criminal Procedure Code, to what extent this harmonization has succeeded in overcoming the disharmony problem that has persisted for four decades, and what new legal issues have emerged during the transition period of the implementation of this norm. The formulation of the problem in this research is: first, how are the regulations and practices of acquittal decisions in the Indonesian criminal justice system under the Old Criminal Procedure Code regime and the factors that cause normative disharmony; second, how does the National Criminal Procedure Code harmonize the regulation of acquittal decisions and to what extent is the effectiveness of this harmonization in ensuring legal certainty and protection of the defendant's human rights after the enactment of the National Criminal Procedure Code.

Literature Review

2.1 The Concept of Acquittal in Criminal Procedure Law

An acquittal is a translation of the Dutch term *vrijspraak*, which in criminal procedural law doctrine is defined as a decision handed down by a judge if the results of the trial examination do not obtain sufficient evidence regarding the defendant's guilt as charged. Andi Hamzah explained that an acquittal is closely related to the principle of negative legal evidence (*negatief wettelijk bewijstheorie*) as adopted by Article 183 of the Criminal Procedure Code, where a judge may not sentence a person unless there are at least two valid pieces of evidence accompanied by the judge's conviction. If the minimum requirements for proof are not met, the judge is obliged to issue an acquittal.

M. Yahya Harahap makes a clear distinction between an acquittal (*vrijspraak*) and a dismissal from all legal charges (*ontslag van alle rechtsvervolging*). An acquittal is rendered if the act charged against the defendant is not legally and convincingly proven, so that the issue lies in proving the facts (*feitelijke kwestie*). Conversely, an acquittal is rendered if the act charged is proven, but the act does not constitute a crime or there are excusing or justifying reasons that eliminate the unlawful nature or guilt of the defendant, so that the issue lies in the application of the law (*rechtsquaestie*). This distinction is fundamental because it has direct implications for the availability of legal remedies: decisions concerning issues of fact are essentially beyond the scope of the cassation examination which is of a *judex juris* nature, while decisions concerning issues of application of the law remain open to re-examination at the cassation level.

2.2 Doctrine of Impure Free Judgment (*Niet Zuivere Vrijspraak*)

The doctrine of impure acquittal emerged as a jurisprudential response by the Supreme Court to the rigidity of the prohibition on cassation in Article 244 of the Old Criminal Procedure Code. This doctrine states that if a judge's acquittal decision contains considerations that are actually of the nature of legal application or exceed the limits of the authority to assess facts

(ultra petita in the assessment of evidence), then the decision cannot be categorized as a pure acquittal and therefore can be appealed. Loebby Loqman and a number of other criminal procedure law experts note that the application of this doctrine in practice is highly inconsistent because the parameters for assessing the "purity" of an acquittal decision have never been formulated in a standard way, so that the decision to accept or reject a cassation request depends largely on the casuistic judgment of the panel of Supreme Court justices examining the case.

Academic criticism of this doctrine generally rests on two main arguments. First, this doctrine is considered contrary to the principle of legality in criminal procedural law which requires that every legal effort must have a firm legal basis and cannot be created through jurisprudential interpretation alone, especially when the law explicitly prohibits it. Second, this doctrine has the potential to harm the defendant's constitutional right to obtain fair legal certainty as guaranteed by Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, because defendants who have been declared free must still face uncertainty due to the possibility of an appeal being filed by the Public Prosecutor.

2.3 Theory of Legal Harmonization

Legal harmonization is conceptually understood as an effort or process of aligning or adjusting different or conflicting legal principles and systems with the goal of achieving unity, harmony, and alignment of the legal system. Bagir Manan emphasized that legal harmonization does not only involve synchronizing between laws and regulations vertically and horizontally, but also aligning textual norms with their practical application in the field. In the context of the formation of laws and regulations, harmonization is one of the principles that must be considered as emphasized in Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Laws and Regulations, specifically the principles of clarity of formulation and the principle of implementation.

The theory of legal harmonization put forward by Sudikno Mertokusumo is also relevant in analyzing this issue, especially the concept of legal certainty (*rechtszekerheid*) as one of the three basic values of law besides justice (*gerechtigheid*) and benefit (*doelmatigheid*). Sudikno emphasized that legal certainty requires the existence of clear, consistent, and predictable rules, so that legal subjects can adjust their behavior based on applicable rules without being faced with uncertainty due to changing interpretations. The disharmony between Article 244 of the Old Criminal Procedure Code and the jurisprudential practice of the Supreme Court is a clear example of a violation of the value of legal certainty.

Research Methodology

This research uses a normative legal research method (normative legal research/doctrinal research), namely research that examines law as a norm or rule that applies in the legal system by placing legal materials as the main source of research. This method was chosen because the research focuses on the harmonization of written legal norms regarding acquittals in the Indonesian criminal justice system, specifically by comparing the provisions in Law Number 8 of 1981 concerning Criminal Procedure Law with Law Number 20 of 2025 concerning the Criminal Procedure Code. This research is not directed at obtaining empirical data from the field, but rather to analyze changes, continuity, and developments in legal norms regarding acquittals within the framework of national criminal procedure law reform.

This research uses a statutory approach, a conceptual approach, and a case approach that are used in a complementary manner. The statutory approach is used to examine various regulations related to the legal issues of the research, specifically Law Number 8 of 1981 concerning Criminal Procedure Law, Law Number 20 of 2025 concerning the Criminal Procedure Code, Law Number 1 of 2023 concerning the Criminal Code, as well as regulations and policies of the Supreme Court relevant to the application of criminal procedure law. The conceptual approach is used to examine legal concepts related to acquittals, dismissals from all legal charges, legal remedies, the binding force of court decisions, and legal harmonization based on doctrine and developments in criminal procedure law. Meanwhile, the case approach

is used by examining Supreme Court decisions and jurisprudence related to acquittals, especially acquittals that are questioned as impure acquittals, so that the development of the interpretation and application of norms regarding acquittals in Indonesian criminal justice practice can be understood.

The legal materials used in this study consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials are legal materials that have binding force, including the 1945 Constitution of the Republic of Indonesia, Law Number 8 of 1981 concerning Criminal Procedure Law, Law Number 20 of 2025 concerning the Criminal Procedure Code, Law Number 1 of 2023 concerning the Criminal Code, as well as Supreme Court regulations and policies relating to acquittals and legal remedies, including relevant Supreme Court Circular Letters. In addition to laws and regulations, Supreme Court jurisprudence relating to acquittals is also used as primary legal materials because it provides an overview of the application and development of norm interpretation in judicial practice. Secondary legal materials include criminal procedure law books, books on legal theory and criminal law reform, scientific journals, previous research results, academic manuscripts on the formation of the National Criminal Procedure Code, as well as scientific articles and credible online legal sources that are relevant to the research problem. Tertiary legal materials include legal dictionaries, legal encyclopedias, and other reference sources which are used to help provide an understanding of the legal terms and concepts used in the research.

The collection of legal materials was conducted through library research by tracing, identifying, inventorying, and classifying various legal materials relevant to the research problem. The collected legal materials were then analyzed qualitatively using legal interpretation methods to gain a systematic understanding of the changes in the regulation of acquittals in the Indonesian criminal procedure law system. Grammatical interpretation was used to understand the textual meaning of the provisions governing acquittals and legal remedies, while systematic interpretation was used to understand the relationship between the provisions regarding acquittals and other provisions in the Criminal Procedure Code, the Criminal Code, and related regulations. Furthermore, historical interpretation was used to understand the background to the formation and changes in legal norms from the old Criminal Procedure Code to the National Criminal Procedure Code. The analysis was also conducted comparatively by comparing the legal construction regarding acquittals in Law Number 8 of 1981 with the provisions in Law Number 20 of 2025. The results of the analysis were then compiled descriptively and analytically to identify the form of change, potential disharmony, and the direction of harmonization of the regulation of acquittals in the Indonesian criminal justice system after the enactment of the National Criminal Procedure Code.

Results

4.1 Disharmony in the Arrangement of Acquittals in the Old Criminal Procedure Code Regime

An analysis of Article 244 of Law Number 8 of 1981 shows that the legislators initially intended that acquittals be final and not subject to appeal. This provision aligns with Article 67 of the Old Criminal Procedure Code, which also limited appeals against acquittals. The philosophy behind this limitation is respect for the authority of the first-instance court's *judex facti* in assessing the facts of the trial, while simultaneously protecting the accused from the risk of a protracted legal process after being declared innocent.

However, a search of judicial practice shows that this prohibition is consistently violated through the jurisprudential construction of incomplete acquittals. The Supreme Court, in various decisions, accepts and examines cassation appeals against acquittals on the grounds that the decisions in question contain elements of erroneous application of the law, rather than solely a matter of factual assessment. This practice essentially relies on the Supreme Court's authority under Article 28 of the Law on Judicial Power, which grants it the authority to review the

application of the law, which is then interpreted extensively to encompass the examination of acquittals.

This disharmony creates three fundamental issues. First, legal uncertainty for the accused, as the "acquittal" status obtained at the first instance court does not necessarily provide final certainty, so the accused must still face the possibility of re-examination at the cassation level, which can take a long time. Second, disparity in decisions between cases, as the parameters for determining the authenticity of an acquittal are highly dependent on the subjective assessments of the panel of supreme court justices, which vary in each case, so that cases with similar characteristics can be treated differently. Third, there is tension between the principle of formal legality of criminal procedure law, which requires procedural certainty, and the need for substantive justice to be achieved through cassation examinations, especially in cases involving allegations of clear errors in the application of the law by first instance judges.

4.2 Harmonization of Acquittal Provisions in the National Criminal Procedure Code

Law Number 20 of 2025 concerning the Criminal Procedure Code brings fundamental changes to the regulation of acquittal decisions through two key articles, namely Article 244 which regulates the consequences of the decision on the defendant's detention status, and Article 299 which regulates the limitation of the object of cassation examination. Article 244 of the National Criminal Procedure Code mandates that defendants who are acquitted be released immediately without any conditions, in contrast to the regulation of the acquittal decision from all legal charges which provides room for the Public Prosecutor to file an appeal before the defendant is released from detention. This clear editorial difference indicates the intention of the lawmakers to provide stronger protection for acquittal decisions compared to acquittal decisions.

A more explicit affirmation is contained in Article 299 paragraph (2) letter a of the National Criminal Procedure Code, which expressly states that a cassation examination request cannot be submitted against an acquittal, as one of the five categories of decisions excluded from the object of cassation examination. In contrast to Article 244 of the Old Criminal Procedure Code which only contains a general prohibition without further explanation, thus opening up space for jurisprudential interpretation, the formulation of Article 299 paragraph (2) letter a of the National Criminal Procedure Code is formulated without any exception phrases or additional conditions. Tracing the development of practices after the enactment of the National Criminal Procedure Code shows that the Supreme Court responsively issued Supreme Court Circular Letter Number 4 of 2026 which explicitly confirms that a cassation application against an acquittal cannot be accepted, as a technical guideline for all court ranks in consistently applying Article 299 paragraph (2) letter a of the National Criminal Procedure Code.

These legislative and judicial policy measures can be considered as a significant form of legal harmonization because they close the normative gap that has been exploited through the doctrine of incomplete acquittal. With a clear and unqualified formulation, the space for supreme court judges to carry out extensive interpretations in order to accept cassation against acquittal decisions is closed. This is in line with the principle of *exceptio firmat regulam in casibus non exceptis*, namely the principle that exceptions to general rules must be interpreted narrowly and cannot be expanded beyond their textual formulation, so that the absence of explicit exceptions in Article 299 paragraph (2) letter a of the National Criminal Procedure Code must be interpreted as an absolute prohibition on cassation.

4.3 New Issue: Inconsistency between Article 244 and Article 285 regarding Appeals

Although harmonization of the object of cassation has been achieved, this study found that the harmonization of the provisions on acquittals in the National Criminal Procedure Code has not been fully completed at the level of appeals. Article 285 paragraph (1) of the National Criminal Procedure Code regulates the authority of the High Court to examine criminal cases that are appealed in general, without including explicit exceptions to acquittals. The absence of

these exceptions has given rise to two schools of interpretation that have developed in the legal discourse of practitioners and academics.

The first school of interpretation holds the view that because Article 285 paragraph (1) is general in nature without exception, an appeal against an acquittal is basically still open, and only after the appeal obtains a decision that confirms the acquittal, the cassation becomes closed based on Article 299 paragraph (2) letter a. The second school of interpretation holds the opposite view, that based on a systematic reading of Article 244 paragraph (2) and paragraph (4) of the National Criminal Procedure Code which orders immediate unconditional release for defendants who are acquitted, as well as the clear difference with the formulation of the paragraph that regulates the acquittal, then the acquittal is basically not intended to be able to be submitted to any legal action, either appeal or cassation, so that it is final from the time it is pronounced at the first level.

This study argues that the second interpretation is more in line with the spirit and objectives of the formation of the National Criminal Procedure Code when examined through historical and systematic interpretation. The deliberate editorial difference between the provisions of acquittal and release in Article 244 indicates the intention of the legislators to provide different treatment for the two types of decisions, where the acquittal is intended to obtain stronger finality protection as a logical consequence of the factual assessment by the *judex facti* which cannot be re-examined. However, the absence of a clear and explicit formulation regarding the closure of appeals against acquittal decisions, as is the clearness given to the prohibition on cassation in Article 299 paragraph (2) letter a, is a legislative weakness that has the potential to cause disparities in application in various high courts if it is not immediately followed up with technical guidelines from the Supreme Court.

4.4 Transitional Provisions Issue: Implementation of Article 361 Letter C of the National Criminal Procedure Code

Harmonization issues also arise at the level of application of transitional provisions. Article 361 letter c of the National Criminal Procedure Code stipulates that criminal cases that have been transferred to the court and began to be examined before the National Criminal Procedure Code came into effect continue to use the provisions of the Old Criminal Procedure Code until a verdict is issued by the court currently examining the case. This formulation was initially understood by some practitioners as a form of leniency that allows for broader applicability of the Old Criminal Procedure Code, including at the stage of cassation legal efforts against acquittals issued by first-instance courts before the National Criminal Procedure Code came into effect.

However, a careful reading of the formulation shows that the validity of the Old Criminal Procedure Code is strictly limited to the decision rendered by the court that was examining the case at the time the National Criminal Procedure Code was enacted, and does not cover the examination stages at the next level of legal action. Therefore, if the Public Prosecutor wishes to file an appeal after the National Criminal Procedure Code has become effective against an acquittal decision rendered before that date, then the filing of the appeal must normatively be subject to the procedural law regime regulated by the National Criminal Procedure Code, including the prohibition on cassation against acquittal decisions based on Article 299 paragraph (2) letter a, no longer based on the Old Criminal Procedure Code regime which had provided space for cassation through the doctrine of impure acquittal decisions. This interpretation is in line with the principle of *lex posterior derogat legi priori*, namely the principle that newer regulations override older regulations as long as they regulate the same object and level, and is also consistent with the principle that procedural law is directly applicable (the principle of limited retroactivity in procedural law/direct application) to stages of the process that have not been passed when the new regulations come into effect.

Differences in interpretation of these transitional provisions in practice have created potential disparities in case handling during the transition period, particularly for cases where first-instance courts acquitted them before January 2, 2026, but whose appeals were filed after

that date. This ambiguity has the potential to create new legal uncertainty that contradicts the harmonization goals sought through the establishment of the National Criminal Procedure Code, necessitating further clarification through Supreme Court regulations or technical circulars specifically governing the application of transitional provisions to cases during the transition period.

4.5 Comprehensive Analysis: Achievements and Limitations of Harmonization

Overall, this study found that the National Criminal Procedure Code has succeeded in achieving significant harmonization in the most problematic aspect in the regulation of acquittals under the Old Criminal Procedure Code regime, namely closing the loophole in the doctrine of impure acquittals which for decades has been a source of legal uncertainty and disparity in decisions. The formulation of Article 299 paragraph (2) letter a which is firm without exception, supported by Supreme Court Circular Letter Number 4 of 2026 as an instrument to strengthen the consistency of implementation, is an important achievement in realizing legal certainty and protection of the defendant's human rights as mandated by Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

However, this harmonization is not yet fully realized. The lack of synchronization between Article 244 and Article 285 of the National Criminal Procedure Code regarding the openness of appeals against acquittals has the potential to create new disharmony if not immediately followed up with normative confirmation or technical guidelines from the Supreme Court. Similarly, the issue of the implementation of the transitional provisions of Article 361 letter c has the potential to create disparities in case handling during the transition period. These two issues demonstrate that legal harmonization is not a process that is completed solely through the ratification of a new law, but rather requires ongoing monitoring through implementing regulations, technical guidelines for the judiciary, and consistent judicial interpretation so that the goals of legal certainty, justice, and benefit as stated in the theory of the purpose of law can be fully and comprehensively realized in Indonesian criminal justice practice.

Conclusion

Based on the research and discussion results, two main points can be concluded. First, the regulation of acquittals in the regime of Law Number 8 of 1981 has experienced a prolonged normative disharmony between the prohibition on cassation expressly stated in Article 244 and judicial practice that continues to accept cassation requests from Public Prosecutors through the jurisprudential doctrine of impure acquittals (*niet zuivere vrijspraak*). This disharmony is caused by the absence of norms regarding the clear boundaries between impure and pure acquittals, thus giving rise to legal uncertainty, disparity in decisions, and potential violations of the defendant's constitutional right to fair legal certainty.

Second, Law Number 20 of 2025 concerning the National Criminal Procedure Code has succeeded in significantly harmonizing this issue through the formulation of Article 299 paragraph (2) letter a which expressly and without exception prohibits cassation against acquittal decisions, reinforced by Supreme Court Circular Letter Number 4 of 2026. However, this harmonization has not been fully completed because new problems have arisen in the form of a lack of synchronization between the formulation of Article 244 and Article 285 of the National Criminal Procedure Code regarding the openness of appeals against acquittal decisions, as well as the unclear application of the transitional provisions of Article 361 letter c to cases that are ongoing during the transitional period of the implementation of the National Criminal Procedure Code.

This research recommends three things. First, the Supreme Court needs to immediately issue further technical guidelines that explicitly explain the openness or closure of appeals against acquittal decisions to avoid disparities in application across high courts. Second, further clarification is needed regarding the application of the transitional provisions of Article 361 letter c of the National Criminal Procedure Code to cases in the transition period, particularly

regarding the procedural legal regime applicable to legal remedies filed after the National Criminal Procedure Code becomes effective for previously handed down decisions. Third, further research is needed to empirically examine the consistency of the application of Article 299 paragraph (2) letter a of the National Criminal Procedure Code in judicial practice after the law comes into effect, to ensure that the normative harmonization that has been achieved at the legislative level is also consistently realized in Indonesian criminal justice practice as a whole.

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