

Reforming the Statute of Limitations under Indonesia's New Criminal Code: Toward a Modern Criminal Justice System

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Abstract

The statutes of limitations are an essential aspect of criminal law because they help balance the certainty, rationality, and efficiency of the field. However, legal rules concerning time, the complexity of crimes, and changing expectations for victims have come into question. This paper analyzes the new Indonesian criminal code (often called Law No. 1 of 2023), its limitations and regulations, and its contribution to the Modernization of the criminal justice system. The primary question this research seeks to answer is to what extent the justice system's modernity adequately addresses the challenges of modernizing criminal justice. This study aims to integrate the reasoning, justification, and impact of the regulation of limitations in the new Indonesian criminal code. Employing a normative legal approach, this study is based on the Statute, Conceptual, and systematic and structured analyses, and comparative in nature, to examine the unification, direction, and legal policy of the limitations regulation in the new Indonesian criminal code. Statutes of limitations constitute an essential element of criminal law as they balance legal certainty,

fairness, and efficiency in criminal prosecution. However, rapid social change, increasingly complex crimes, and evolving expectations regarding victims' rights have challenged traditional approaches to limitation periods. This study examines the regulation of statutes of limitations in Indonesia's New Criminal Code (Law No. 1 of 2023) and evaluates their role in modernizing the criminal justice system. Using normative legal research, this study analyzes the legal policy underpinning the reform of limitation periods through statutory, conceptual, and comparative approaches. The findings indicate that the new Criminal Code introduces a differentiated limitation system based on the seriousness of offenses, reflecting a shift from purely procedural justice toward substantive justice. The reform strengthens legal certainty, supports the effective prosecution of complex crimes, and enhances victim protection. Nevertheless, the success of this reform will depend on consistent judicial interpretation and the institutional capacity of law enforcement agencies.

Keywords

Statute of Limitations, Criminal Law Reform, Indonesian Criminal Code, Criminal Justice System, Legal Policy

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Introduction

Criminal law changes in response to societal transformations, new technologies, and jurisprudential understandings of justice.¹ The laws of time, especially the statute of limitations, are seen as a technical aspect of the procedure; however, they are central to access to justice, citizens' rights, and the government's responsibilities.² In modern discourse, the law of time is clearly normative; in earlier discourse, it was seen as administrative. In the contemporary discourse on justice, legal limitations on crime have become a primary area for reform. The efforts to modernize criminal law offer an opportunity to contextualize the examination of the statute of limitations in the new Indonesian criminal code within the broader framework of systemic legal reform.³

In criminal law, the statute of limitations serves as a threshold that the state cannot cross to initiate prosecution for a crime after a specified time.⁴ Justifications for this concept in the past centered around evidentiary integrity, legal certainty, and social peace. With the passage of time and the need to encourage legal action, the scope of these limitations is intended to limit legal uncertainty. However, modern criminal law and policy do not resemble the context in which these limitations were originally formulated.⁵ The contemporary investigator's ability to investigate, despite the time of the crime, due to advanced forensic and digital evidence, coupled with international assistance, results in a

¹ Faisal et al., "Genuine Paradigm of Criminal Justice: Rethinking Penal Reform within Indonesia New Criminal Code," *Cogent Social Sciences* 10, no. 1 (2024): 15, <https://doi.org/10.1080/23311886.2023.2301634>.

² Robiatul Adawiyah and Umi Rozah, "Indonesia's Criminal Justice System with Pancasila Perspective as an Open Justice System," *Law Reform: Jurnal Pembaharuan Hukum* 16, no. 2 (2020): 149–62, <https://doi.org/10.14710/lr.v16i2.33783>.

³ Simon Butt, "Indonesia's New Criminal Code: Indigenising and Democratising Indonesian Criminal Law?," *Griffith Law Review* 32, no. 2 (2023): 190–214, <https://doi.org/10.1080/10383441.2023.2243772>.

⁴ Rodiyah Rodiyah, Siti Hafsyah Idris, and Robert Brian Smith, "Mainstreaming Justice in the Establishment of Laws and Regulations Process: Comparing Case in Indonesia, Malaysia, and Australia," *Journal of Indonesian Legal Studies* 8, no. 1 (2023): 333–78, <https://doi.org/10.15294/jils.v7i2.60096>.

⁵ Faisal et al., "Genuine Paradigm of Criminal Justice: Rethinking Penal Reform within Indonesia New Criminal Code."

criminal policy paradigm that fails to meet social needs regarding crime.⁶ Rather than serving solely as a neutral procedural device, it has come to be viewed as a policy option that reflects a legal system's priorities among certainty, fairness, and substantive justice.⁷

Implementing a statute of limitations aims to provide legal certainty while balancing individual rights.⁸ It is a fundamental human right not to be pursued for the same crime for an extended period of time and to be cross-legally vulnerable. Special perspective on the right to life. These protections were originally contained only in the Universal Declaration of Human Rights (UDHR).⁹ Past research has shown how defense rights have been neglected throughout history due to limitations of time, evidence, memory, and the living. In fact, victims are disadvantaged due to short time limitations when reporting the crime, the crime is in the form of latent injuries, or there is an abuse of power.¹⁰ Ultimately, a modern legal system aims to address conflicting human rights. Short and long statutes of limitations in the justice system are intended to protect both victims and defendants. Understanding how the new Indonesian criminal code attempts to constructively demonstrate that there is a balance in the justice system is substantial to defining how much of the justice system the code is modernizing.¹¹

⁶ Erna Dewi and Maya Shafira, "Protection Of Human Rights in the Criminal Justice System: Contemporary Challenges And Solutions," *Journal of Law and Sustainable Development* 11, no. 10 (2023): 1–23, <https://doi.org/10.55908/sdgs.v11i10.1358>.

⁷ Ade Adhari et al., "The Ultimatum Remedium Principal Formulation Policy Is Partial in Nature to Corporate Criminality in Indonesia," *Indonesia Law Review* 14, no. 1 (2024): 23, <https://doi.org/10.15742/ilrev.v13n3.1>.

⁸ Indah Sri Utari et al., "The Digital Sanctuary: Forging Legal And Ethical Frameworks For Interfaith Coexistence Online," *Contemporary Issues on Interfaith Law and Society* 4, no. 2 (2025), <https://doi.org/10.15294/ciils.v4i2.35309>.

⁹ Bearlly Deo Syahputra and Nurul Fibrianti, "Independent Authority on Personal Data Protection in Illegal Financial Technology : Capturing Peer-to-Peer (P2P) Lending Issues," *Journal of Private and Commercial Law* 8, no. 1 (2024): 116, <https://doi.org/10.15294/jpcl.v8i1.3967>.

¹⁰ Indra Ardiansyah et al., "Taking Restitution Seriously?: Victim-Oriented Gaps in the Criminal Justice System," *IJCLS (Indonesian Journal of Criminal Law Studies)* 10, no. 1 (2025), <https://doi.org/10.15294/ijcls.v10i1.19636>.

¹¹ Daryna Dzemish Abdulovna, "Advancing Criminal Justice Reform through Restorative Justice: A Narrative Review," *Sinergi International Journal of Law* 2, no. 4 (2024): 274–85, <https://doi.org/10.61194/law.v2i4.719>.

Prior research describes the limitations in criminal procedures and their repercussions across the different branches of criminal justice systems. Maluku (2021) remarked that limitations acts motivate quick termination of a case while protecting the rights of the defendant. Laws can be elastic to suit different environments, demands, and needs.¹² According to Rambe et al. (2024), limitations serve as a fair trade-off between legal certainty and individual rights, and in revising the act, the hurdles and intricacies of the situation should be considered.¹³ Belana and Hubatat (2023) argued that the weakening of criminal law limitations is where the autonomy of the limitations lies, the greater the prosecution's responsibility for extreme criminal offenses.¹⁴ Flora et al (2023) studied the New Criminal Code of Indonesia. They stated that modifications to the limitations of laws align with changes in other countries' jurisdictions and, in turn, enhance the laws' efficacy.¹⁵ Lastly, Saputra et al. (2023), in their digitalized trials in Indonesia, assert that judicial modernism is being digitalized to improve transparency and expedite the enforcement of law limitations.¹⁶ The expanding literature still has several salient shortcomings. A first set of shortcomings pertains to internal fragmentation. Most studies fail to capture the broader modernization agendas of laws and policies that extend beyond the

¹² Elda Maluku, "The Institute of Statutory Limitation in Criminal Procedure and in Criminal Law," *ScienceRise*, no. 5 (2021): 45–52, <https://doi.org/10.21303/2313-8416.2021.002162>.

¹³ Said Akbar Parlindungan Rambe, Muhammad Arifin, and Mhd Teguh Syuhadah Lubis, "Analisis Hukum Tentang Daluarsa Dalam Perkara Tindak Pidana Korupsi Ditinjau Sari Hukum Positif Indonesia," *IURIS STUDIA: Jurnal Kajian Hukum* 5, no. 2 (2024): 415–24.

¹⁴ Loudy Belana and Rugun Romaida Hutabarat, "Analisis Yuridis Penentuan Kriteria Daluarsa Dalam Putusan Mahkamah Konstitusi Nomor 118/PUU-XX/2022," *UNES Law Review* 6, no. 2 (2023): 6325–29, <https://doi.org/10.31933/unesrev.v6i1>.

¹⁵ Henny Saida Flora, Mac Thi Hoai Thuong, and Ratua Delina Erawati, "The Orientation and Implication of New Criminal Code: An Analysis of Lawrence Friedman's Legal System," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 1 (2023): 59–63, <https://doi.org/10.29303/ius.v11i1.1169>.

¹⁶ Rian Saputra, Josef Purwadi Setiodjati, and Jaco Barkhuizen, "Under-Legislation in Electronic Trials and Renewing Criminal Law Enforcement in Indonesia (Comparison with United States)," *Journal of Indonesian Legal Studies* 8, no. 1 (2023): 243–88, <https://doi.org/10.15294/jils.v8i1.67632>.

jurisdiction under analysis. Another internal fragmentation shortcoming is the research treatment of the limitation period as a static legal rule. In doing so, there is no consideration of the limitation period's relations. These shortcomings show fragmentation and the failure to understand the significant reforms to limitation periods. This failure is particularly true for the normative and structural dimensions. The shortcomings in internal fragmentation point to the need to address gaps and adopt a new approach to the literature on the statute of limitations and criminal policy. Bridging the gaps is necessary academically and to guide future, practical, and essential legal reforms.¹⁷

The practical impacts of the reforms to the limitation period dictate the urgency of this research. If the limitation rules are interpreted or applied inconsistently, the consequences can be legally uncertain and result in unequal justice. As courts and law enforcement agencies apply the new Indonesian criminal code, the lack of clarity regarding the reasons and purposes of the reforms, and the limitations they impose, is worrisome.¹⁸ Without this reform being analyzed by scholars, it is destined to be misinterpreted or mistakenly applied. Hence, an analysis of this reform is needed to support the substantive development of law and the timely administration of justice.¹⁹

This research examines the incorporation of the statute of limitations into the new Indonesian criminal code as a new component of the justice system. It focuses on the legal justification for improvements, their alignment with modern justice, and their potential impact.²⁰ Enforcement agencies have numerous legal options, yet they

¹⁷ Anis Widyawati et al., "Crafting an Ideal Penitentiary Law: A Global Comparative Framework for Indonesia's Correctional System," *Legality: Jurnal Ilmiah Hukum* 33, no. 2 (2025): 418, <https://doi.org/10.22219/ljih.v33i2.40358>.

¹⁸ Anis Widyawati et al., "Legal Challenges in Criminal Execution of The Environmental Crime Cases in Indonesia: Efforts Toward Criminal Law Reform," *Jambe Law Journal* 9, no. 1 (2026): 53–88, <https://doi.org/10.22437/k1djt237>.

¹⁹ I Anwary, "Exploring the Interconnectedness Between Public Administration, Legislative Systems, and Criminal Justice: A Comparative Analysis of Malaysia and Indonesia," *International Journal of Criminal Justice Sciences* 18, no. 1 (2023): 172–82, <https://doi.org/10.5281/zenodo.4756211>.

²⁰ Nina Persak, "Beyond Public Punitiveness: The Role of Emotions in Criminal Law Policy," *International Journal of Law, Crime and Justice* 57, no. February (2019): 47–58, <https://doi.org/10.1016/j.ijlcj.2019.02.001>.

consistently impose administrative fines rather than pursue comprehensive criminal charges, a trend documented by researchers numerous times. This practice mirrors the principle of *ultima ratio*, holding that criminal law should respond only when less severe options have clearly and unequivocally failed.²¹

A noteworthy development in today's discussion of criminal justice is the victim-focused approach. For example, traditional criminal law frameworks have incorporated suspects' rights, often compromising victims' right to justice. This is true of statutes of limitations. Many crimes that are violent, abusive, or involve an abuse of power have long periods of reporting. This is often due to psychological trauma, fear, or the social stigma associated with the act. Short time windows for reporting crimes may mean that victims are legally structurally barred from obtaining justice. Prior research has shown that the absence or rigidity of limitation periods can be interpreted as a social license to act with impunity and can indicate a severe lack of faith in the justice system. In recent years, modern criminal law has begun to prioritize victims' needs and vulnerabilities in the design of limitation periods. For example, the new Indonesian criminal code has already started to broaden the lens on limitation periods to encompass a broader range of victims. This demonstrates a shift in efforts to unify legal certainty with legal victimization. There is an obvious need to analyze how limitation reforms protect victims' rights to determine whether the system is progressing toward social justice for victims.

The reform proposals for limitation periods have triggered extensive debate regarding serious crime. International legal developments have highlighted the trend of extending, or even abolishing, limitation periods for crimes that are extremely harmful to individuals and society. Economic and financial crimes, corruption, and crimes involving serious bodily injury fall under this category. These crimes are usually brutal to investigate and are often perpetrated in the so-called delayed detection. The expiration of limitation periods before

²¹ Aprila Niravita et al., "The Potential of Criminal Sanctions in Indonesia's Spatial Planning Law from a Sustainable Development Perspective," *Indonesian Journal of Environmental Law and Sustainable Development* 4, no. 2 (2025): 381, <https://doi.org/10.15294/ijel.v4i2.19096>.

the case is brought to court raises questions regarding the legitimacy of such a system. The period of industrial revolution 4.0 also did not have a purely positive impact on the economy and other sectors, including law enforcement, but also led to many negative impacts and problems, especially for the rights of citizens/communities in this era. Challenges for Students in a Law Faculty to devise solutions intended for legal problems arising from the insistence on industrialization.²² Comparative studies have shown that gaps in law caused by long periods of inaction weaken the Deterrent effect of a legal system and erode faith in the system as a whole. This sentiment has also been captured in the new Indonesian criminal code in relation to serious crimes. Reform, in this case, indicates a socially responsible approach to the issue and expresses a commitment to fair and accountable justice. This also demonstrates alignment with the global justice trend that favors substantive justice over mere box-ticking in legal rules. The study of this trend is crucial for understanding the role of the limitation periods in the fight against legal and procedural impunity in today's civilized world of justice.

Reforms to limitation periods impact prosecutorial discretion and institutional practices in several ways. Limitation periods impose time restraints on a prosecutor's decision to bring charges in a case.²³ Highly prescriptive limitation periods can pressure prosecutors to make hasty decisions and deter them from conducting more complex investigations. On the other hand, more liberal limitation periods can leave institutions with uncertainty. Past research on institutions has suggested that a well-designed limitation system can improve prosecutors' performance. The new limitation provisions of the new Indonesian criminal code seek to achieve a well-balanced approach.²⁴ The changes intend to provide more

²² Aprila Niravita, "The Role of Law Students on Strengthening Village Human Resources in the Era of the Industrial Revolution 4.0," *Indonesian Journal of Advocacy and Legal Services* 1, no. 1 (2019): 1, <https://doi.org/10.15294/ijals.v1i1.33802>.

²³ Leo Arwansyah, Andi Najemi, and Aga Anum Prayudi, "Batas Waktu Pelaksanaan Pidana Mati Dalam Perspektif Kepastian Hukum Dan Keadilan Di Indonesia," *PAMPAS: Journal of Criminal Law* 1, no. 3 (2021): 14, <https://doi.org/10.22437/pampas.v1i3.11073>.

²⁴ Mohammad Ilham et al., "Reform of the Indonesian Criminal Procedure Law: Urgency and Impact on the Criminal Justice System," *History of Medicine* 9, no. 1 (2023): 193–209, <https://doi.org/10.17720/2409-5834.v9.1.2023.025>.

clarity and consistency in prosecutorial discretion. Balancing these considerations is critical to understanding how limitation reforms go beyond the normative considerations.

How judicial interpretation of the law shapes the reforms to limitation periods is also essential. Ambiguous statutes can lead to unpredictable, disparate decisions by judges, eroding confidence in legal systems. Researchers have shown that when faced with new limitation periods, judges have difficulty harmonizing the established doctrine, and the same holds for the new Indonesian criminal code. Engaging with the limitations' reforms at a more doctrinal level can assist judges in reasoning and improve coherence and clarity. This study supports these efforts through analysis of the limitations period in the broader modernization schema. Without this analysis, it is impossible to ensure that the intended objectives of the reforms are achieved in court practice.

This research employs normative legal analysis to examine the regulation of statutes of limitations in Indonesia's New Criminal Code. The study applies several approaches, including statutory, conceptual, and comparative.²⁵ Primary legal materials consist of statutory provisions of the Indonesian Criminal Code (Law No. 1 of 2023) and related legal instruments. Secondary materials include scholarly articles, books, and legal commentaries concerning criminal law reform and limitation periods. These materials are analyzed qualitatively through interpretive legal analysis to evaluate the role of limitation reforms in modernizing Indonesia's criminal justice system.

The study uses the statute approach for analyzing the structure and content of the limitation period, a conceptual approach for analyzing the underlying legal principles of a particular period, and a comparative approach for analyzing the specific country's rationales for the national law reforms in relation to the other systems of criminal laws in the world.²⁶ The study examines the law qualitatively, in an interpretive manner, in light of its objectives and the modernization of the justice

²⁵ Irwansyah Irwansyah, *Penelitian Hukum, Pilihan Metode & Praktik Penulisan Artikel*, ed. Ahsan Yunus, Cetakan 4 (Yogyakarta: Mirra Buana Media, 2021).

²⁶ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2005).

system.²⁷ The study focuses on normative analysis and, as such, will not engage in empirical analysis of the law. The study will offer theoretical and policy analysis to help understand the implications of the statute of limitations within the framework of a modern, rational, and responsive criminal justice system. This approach is appropriate for assessing the legal formulation and structure of systems and laws.

A. Reorientation of the Statute of Limitations in the new Indonesian criminal code as a Foundation for Justice System Modernization

The new Indonesian criminal code's changes to the statute of limitations reform represent a substantial shift in criminal law policy. The changes no longer treat limitation periods as procedural deadlines but as policy tools that guide modernization of the justice system.²⁸ The principal outcome of the study is the continued development of the new Indonesian criminal code's framework for responding to uniform limitation regimes, shifting to a differentiated framework based on the type and severity of the crime. Under the previous Criminal Code (KUHP lama), limitation periods were governed primarily by Articles 78 and 79, which established a single-track system: twelve years for crimes carrying a maximum penalty of more than three years imprisonment, and eighteen years for crimes punishable by death or life imprisonment.²⁹ This resulted in uniform and disproportionate responses to principles of criminal justice, particularly when severe crimes became time-barred before investigation could be completed. The new Indonesian criminal code notably seeks to remedy this by establishing varying limitation

²⁷ Efendi Jonaedi and Ibrahim Johnny, *Metode Penelitian Hukum Normatif Dan Empiris* (Jakarta: Prenada Media, 2018), 147.

²⁸ Faisal et al., "Genuine Paradigm of Criminal Justice: Rethinking Penal Reform within Indonesia New Criminal Code."

²⁹ Anis Widyawati et al., "Strengthening the Correctional System through Electronic Supervision of Prisoners: A Comparative Legal Study for Reforming Indonesia's Penitentiary Law," *Jurnal Hukum Novelty* 16, no. 2 (2025): 262–281, <https://doi.org/10.26555/jhn.v16i2.30503>.

periods for different categories of criminal offenses.³⁰ Including extended periods for corruption, crimes against humanity, and sexual offenses against children.³¹ The protection and safeguarding of children's human rights are also responsibilities of parents, families, and communities.³² This shows an understanding of the crimes varying social, moral, and criminal gravitas and, in principle, should not be subjected to the same limitation periods. This is consistent with contemporary theories of criminal law, which regard the principle of proportionality as a central tenet of justice.

Unlike previous studies that focused solely on the technical aspects of these limits and their calculation, these changes adopt a more principled approach. Earlier researchers would examine limitation rules mostly in isolation. While some analyses critiqued a particular rule's alignment with the structure and order of procedural law, they mostly ignored its alignment (or misalignment) with the underlying objectives of justice.³³ This study argues that the new Indonesian criminal code limitation reforms, as part of a policy framework that addresses procedural fairness, and, therefore, credibility and effectiveness. This is a significant improvement over the previous doctrinal analysis, rather than as merely legal constraints to be mechanically observed. The study also found it essential to consider recognition of victim interests as a primary concern in limitation reform. Established criminal law doctrine considered the statute of limitations to be a protective measure and a

³⁰ Fatmawati, Muhammad Shuhufi, and Anita Chaturvedi Dubey, "Defamation In The New Criminal Code: A Review Of Substantive Justice," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 3 (2023): 465–80, <https://doi.org/10.29303/ius.v11i3.1288>.

³¹ Indah Sri Utari, Ridwan Arifin, and Diandra Preludio Ramada, "Exploring Child Grooming Sexual Abuse through Differential Association Theory: A Criminological and Legal Examination with Constitutional Implications," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 7, no. 1 (2024), <https://doi.org/10.24090/volksgeist.v7i1.9564>.

³² Joko Susanto, Ali Masyhar, and Anis Widyawati, "A Juridical Perspective On Press Ethics in Reporting the Identity of Child Victims of Immorality: Between Public Interest and Children's Rights," *Journal of Law and Legal Reform* 7, no. 1 (2026): 415–56, <https://doi.org/10.15294/jllr.v7i1.30638>.

³³ Adawiyah and Rozah, "Indonesia's Criminal Justice System with Pancasila Perspective as an Open Justice System."

balance to the potential psychological impact of the public's right to know about a prosecution and the right of a defendant to defend. While this remains the case, the statute of limitations in the new Indonesian criminal code is seen as a measure that balances, and in a sense promotes, victims' interests.³⁴ The revised statute of limitations acknowledges that numerous victims of crime are, for a variety of psychological, social, or situational reasons, unable to report a crime when it happens. As such, short and inflexible limitation periods may, in these instances, deny a victim a proper opportunity to achieve justice. In this sense, the new Indonesian criminal code reform states that, in terms of justice, delays are not synonymous with denial.

The reform illustrates the recalibration of the relationship between time and culpability. Traditionally, doctrine has assumed that the longer the time period, the less culpability, or the weaker the moral grounds for imposing a punishment. The research findings suggest that, in the case of serious offenses, the new Indonesian criminal code appears to contradict that way of thinking.³⁵ The new limitation framework seems to imply that the moral blameworthiness of certain crimes does not diminish over time, a position reflected concretely in the code's treatment of corruption and gross human rights violations, where limitation periods have been substantially extended or suspended.³⁶

The new Indonesian Criminal Code, viewed in a comparative perspective, adopts an approach similar to that of several more modern legal systems that have addressed limitation/revision rules for severe and complex crimes. an approach similar to several more modern legal systems that have addressed limitation rules for severe and complex crimes. Germany's *Strafgesetzbuch*, for instance, provides for imprescriptibility for murder (§78), while the Netherlands extended its limitation periods for sexual offenses against minors following sustained

³⁴ Angkasa Angkasa, "Deprivation of Inmates in Conducting Imprisonment and Guidance in Penitentiary on Victimology Perspective," *Journal of Indonesian Legal Studies* 5, no. 1 (2020): 53–74, <https://doi.org/10.15294/jils.v5i1.38520>.

³⁵ E. Lea Johnston et al., "Diminished Criminal Responsibility: A Multinational Comparative Review," *International Journal of Law and Psychiatry* 91, no. August (2023): 19, <https://doi.org/10.1016/j.ijlp.2023.101919>.

³⁶ Rowena Rodrigues, "Legal and Human Rights Issues of AI: Gaps, Challenges, and Vulnerabilities," *Journal of Responsible Technology* 4, no. 1 (2020): 67–79.

advocacy from victims' groups. The new Indonesian criminal code, however, has adopted a more nuanced position, in contrast to some jurisdictions that have completely abolished limitation periods for certain offenses. It does not eliminate limitation periods, but does take the view that limitation periods should be restructured in line with the nature of the offense and the aims of justice. The findings suggest that this more measured position provides greater legal certainty, avoiding the dangers of either rigid formalism or unfettered prosecutorial discretion. The consideration of this policy option sets the new Indonesian criminal code apart from the prototypes that prior research has criticized for introducing additional forms of legal unpredictability.

The results also show that changes to limitations reform enhance the institutional efficacy of the justice system. Extended limitation periods for complex offenses—such as financial crimes and corruption give prosecutors adequate time to construct evidence-intensive investigations, reducing the risk of premature case closure driven by procedural deadlines rather than investigative readiness. One of the areas in which the reform has had the most significant impact is judicial interpretation. One area in which the reform has had a significant impact is judicial interpretation. The clearer normative goals of the new Indonesian criminal code's limitation periods reduce the interpretive vacuum that previously led to inconsistent court decisions. Nevertheless, clarity in legislative text does not automatically translate to uniformity in application; judicial training and prosecutorial guidelines will remain essential to ensuring the reform's intended objectives are realized in practice.

Reforming the statute of limitations has implications and is essential for building citizens' trust in the justice system. Previous research has demonstrated public frustration with unpunished serious crimes due to technical time bars. The new Indonesian criminal code reform attempts to address this legitimacy deficit by integrating the public's demand for accountability with the law's punitive response to serious crimes. By extending limitation periods for grave offenses, the reform reinforces the law's symbolic value as a reflection of social norms—a dimension often overlooked in doctrinal writing, yet essential to institutional legitimacy.

By establishing a more differentiated framework for limitations, the new Indonesian criminal code enhances the doctrinal consistency between crime, punishment, and procedural limitations—reinforcing the principle of proportionality as a cornerstone of an effective criminal justice system. There was always a sense of discomfort in the law with the gravity of a crime and the shortness of the limitation period. It was found to lack a critical element for an effective criminal justice system. By establishing a more balanced set of frameworks for limitations, the new Indonesian criminal code enhances the doctrinal consistency of crime, punishment, and procedural limitations. This consistency reinforces the principle of proportionality, a cornerstone of an effective criminal justice system.³⁷

What can be noted here is that the limitation reform is not a complete solution. Interpreting the limitations will require effort to prevent new inconsistencies/redundancies while addressing them, suggesting that they need more in-depth study/exploration. The more differentiated limitation system, while structurally sound in design, creates new interpretive burdens for courts and prosecutors. Without sufficient guidance—through judicial circulars, prosecutorial protocols, or legislative commentary—the risk of inconsistent application is real. Unlike previous studies that treated the limitation reform as fully implemented, this study shows that, while retaining the initial goals, the reform is more dynamic and incomplete.

The outcome of the study shows that the statute of limitations for the New Indonesian criminal code is one of the positive features of modernization of the justice system, as it shifts from the traditional formalistic time-bar rules towards a system that provides more principles on the mix of legal certainty, protection of victims, accountability of the criminal justice system, and optimum use of the institutions. This is clearly different from previous criminal law models regarding the modernization of criminal law, and also differs from the overwhelming majority of the existing literature, which is concerned with the limitation

³⁷ Melissa de Vel-Palumbo and Colleen M. Berryessa, “When Bad Things Happen to Rotten People: Indifference to Incidental Harms in the Criminal Justice System,” *Psychology, Crime and Law* 29, no. 8 (2023): 802, <https://doi.org/10.1080/1068316X.2022.2036739>.

period and the limiting/limiting period system, and is limited in its analysis. As such, the New Indonesian Criminal Code, within its limitations, contributes to a justice system that is more responsive, credible, and just.³⁸

B. Policy on the Formulation of the Expiration of Criminal Prosecution in Positive Criminal Law

According to Article 78 of the KUHP, the statute of limitations is a feature of Indonesian law that “permits” the legal prosecution of criminal conduct to be discontinued after a specified period.³⁹ The Article 78 provision, in the context of law, also works simultaneously with other legal provisions that explain “closing the prosecution” in relation to *ne bis in idem* in Article 76; the demise of the defendant in Article 77; and the settlement of a maximum fine to a public officer, “*affeco*” in Article 82.⁴⁰

Article 78 (1) explains the basis for establishing the range of time limits for a prosecution to be initiated, depending on the maximum penalty prescribed for the particular crime and divided it into the following categories: (a) for the classification of crime as an administrative, petty, or printing offense, the time-limitation is 1 (one) year; (b) for the crime, the penalty is a fine or a term of imprisonment of not more than 3 (three) years; the time-limitation is 6 (six) years; (c) for the offense, the penalty is imprisonment for more than 3 (three) years; the time-limitation is 12 (twelve) years; (d) for the crime, the penalty is death or life imprisonment; the time-limitation is 18 (eighteen) years. Moreover, Article 78 (2) states that if the offender was a youth (under 18 years of age) at the time of the offense, the limitation period is reduced by 1/3 of the stipulated period. Article 79 states that the limitation period

³⁸ H S Flora and Y Suhardin, “Indonesian Culture in the New Criminal Code: From *Ius Constituendum* To *Ius Constitutum*,” *Syiah Kuala Law Journal* 7, no. 2 (2023): 163.

³⁹ Rambe, Arifin, and Lubis, “Analisis Hukum Tentang Daluarsa Dalam Perkara Tindak Pidana Korupsi Ditinjau Sari Hukum Positif Indonesia.”

⁴⁰ Ali Masyhar et al., “Economic Assistance as a Form of Non-Penal Policy in Countering Terrorism for Ex-Prisoners in Indonesia,” *Journal of Law and Legal Reform* 5, no. 2 (2024): 693, <https://doi.org/10.15294/jllr.vol5i2.7558>.

begins on the date the offense is committed. Hence, the period of limitation will be computed from the day following the commission of the offense, and it is clear when the prosecutorial authority will be time-barred.⁴¹

According to article 80 (1), the limitation period can be suspended when prosecutorial acts are performed (*verrichtingen*), such as the submission of a case to a court, the submission of an indictment, or the submission of a (judicial) review request. Investigative acts do not suspend the limitation period.⁴² In such cases, Article 80 (2) states that if the limitation period is suspended, it will be as if the limitation period is set again because there will be no prosecutorial acts performed during that period. Article 81 concerns civil matters that have a pre-judicial phase and are therefore suspended. In such situations, a formal suspension is not needed, and the limitation period will continue to run. This issue features a conceptual paper on digital platform-driven responsive legal counsel, which aligns closely with the global discussion on digital transformation.⁴³

The treatment of the statute of limitations in the KUHP reflects a classical-neo approach, seeking to strike a balance between offender denial and societal denial. Time is assumed to have a positive effect on improving an offender's behavior. The justification for this approach lies in the belief that human nature is dynamic rather than static. Therefore, it is presumed that prosecution will be deferred and that the individuals who will be temporarily excluded from society will be able to integrate into the community as law-abiding citizens.⁴⁴

⁴¹ Indah Sri Utari and Ridwan Arifin, "Law Enforcement and Legal Reform in Indonesia and Global Context: How the Law Responds to Community Development?," *Journal of Law and Legal Reform* 1, no. 1 (2020): 1–4, <https://doi.org/10.15294/jllr.v1i1.35772>.

⁴² Ali Masyhar, *Pergulatan Kebijakan Hukum Pidana Dalam Ranah Tatahan Sosial* (Semarang: Unnes Press, 2005), 38.

⁴³ Ridwan Arifin and Aprila Niravita, "Editorial Introduction: Contemporary Issues on Advocacy and Legal Services," *Indonesian Journal of Advocacy and Legal Services* 7, no. 2 (2025): 293, <https://doi.org/10.15294/ijals.v7i2.34008>.

⁴⁴ Ridwan Arifin et al., "Indonesian Sustainable Development Policy: How the Government Ensures the Environment for Future Generations," *IOP Conference Series: Earth and Environmental Science* 1355, no. 1 (2024): 1, <https://doi.org/10.1088/1755-1315/1355/1/012005>.

Contemporary developments in traditional criminal theory have aided the construction of a modernized, multifaceted approach by integrating temporal factors into a broader rehabilitative and just framework.⁴⁵ The KUHP attempts to balance justice and offender rehabilitation, while providing certainty and predictability in criminal procedural justice by defining limitation periods. This theory suggests that no offender should be viewed as perpetually criminal and that the law should be responsive to the changes in individual morality and the societal reintegration of individuals over time. The practical effect of these provisions, particularly in the context of victims' rights and the just distribution of law, reveals several underlying tensions.⁴⁶

The KUHP has some theoretical merit in its statute of limitations. However, from a victim's perspective, it suffers from fundamental weaknesses. Given that a case may be justified on its merits, victims may be left with a persistent sense of injustice should a case be allowed to expire.⁴⁷ This formulation has the potential to lead to inequitable outcomes, especially when prosecutorial delays are deliberately or carelessly extended, resulting in the statute of limitations expiring. This Concern exemplifies the fundamental paradox of the criminal justice system. In focusing on rehabilitating offenders, justice for victims, and society's demand for accountability are sacrificed. The law's focus on the suspension of prosecution and the resetting of time paradoxically means that, in delayed cases, the prosecution is legally better able to proceed. Still, in practice, it is less able to do so because of the delay. This paradox illustrates the tension between the offenders' interest in legal certainty and the victims' interest in justice. For these reasons, while the KUHP has made a considerable effort to incorporate rehabilitative justice and a time-frame practical approach, it has a wide range of practical issues, such

⁴⁵ Muhtar Hadi Wibowo, Ali Masyhar Mursyid, and Anis Widyawati, "Progressionism Restorative Justice Policies in Achieving Rehabilitative Criminal Justice," *Indonesian Journal of Criminal Law Studies* 9, no. 1 (2024): 117–38, <https://doi.org/10.15294/ijcls.v9i1.50292>.

⁴⁶ Agustiana Nurkomalawati and Pujiyono, "Due Process of Law as Part of Political Law Enforcement," *International Journal of Social Science Research and Review* 6, no. 6 (2023): 505–16.

⁴⁷ Zico Junius Fernando, "Due Process of Law Dalam Penanggulangan Tindak Pidana Di Indonesia," *Majalah Keadilan* 21, no. 1 (2021): 67.

as the potential for procedural manipulation and inequitable results in the enforcement of criminal law. This complexity underscores the importance of oversight to ensure that statutes of limitations are balanced and to support the pursuit of justice, without overstating the advantages to any one party. Most Indonesian criminal legislation outside the Criminal Code, unlike the KUHP, does not provide explicit regulations on the statute of limitations.⁴⁸

A precedent for departing from the KUHP's uniform limitation framework existed before the 2023 reforms. Article 46 of Law No. 26 of 2000 on the Human Rights Court explicitly removes limitation periods for genocide, war crimes, and crimes against humanity—consistent with Indonesia's obligations under the 1968 UN Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity. This pre-existing exception is significant not as a standalone subsection, but as a doctrinal foundation upon which the new KUHP builds: the 2023 code extends the logic of offense-calibrated limitation periods from the extraordinary crimes' domain into the broader criminal law framework, applying differentiated limitation rules to serious but ordinary offenses such as corruption and sexual crimes against children.⁴⁹

This analysis demonstrates the difference between ordinary crimes and extraordinary crimes. There is a two-tiered legal system for each crime type. In ordinary criminal cases under the KUHP, there are time limitations intended to achieve rehabilitative and procedural justice. These time limitations aim to balance rehabilitation and accountability. However, in cases of extraordinary crimes, the principle of the non-applicability of limitations must override any additional rehabilitative or procedural considerations. Legal Dualism balances social order and the impact of crime whilst remaining compliant with the outer boundaries

⁴⁸ Nella Sumika Putri, "The Material Content O Regional Regulation As The Concretization Of The Living Legal System In Society (Adat Law) Based On Article 2 Of The Indonesian Penal Code (KUHP) 2023," *Jurnal Bina Mulia Hukum* 7, no. 2 (2023), <https://doi.org/10.23920/jbmh.v7i2.1101>.

⁴⁹ Indah Sri Utari et al., "Legal Protection for Child Sexual Violence Victims: Victimology Perspectives, Challenges, and Policy Solutions in Asia," *Jurnal Suara Hukum* 8, no. 1 (2026): 40–77, <https://journal.unesa.ac.id/index.php/suarahukum/article/view/48307>.

of international law. Law No. 26 of 2000 on extraordinary crimes is a specialized legal framework for judicial systems and legal processes designed for exceptional crimes. These processes may include temporary judicial systems that provide clarity to the courts and systems to protect the victims. This law reduces the likelihood that people will go unpunished, ensuring that those already protected by law and by temporal considerations do not allow the government to fail to act on the most critical human rights crimes.

This doctrinal lineage from the rigid uniformity of the old KUHP's Articles 78–81, through the exceptional imprescriptibility of Law No. 26 of 2000, to the differentiated framework of the 2023 code, reveals a coherent trajectory in Indonesian criminal law: a gradual shift from time as a neutral procedural barrier toward time as a normative instrument calibrated to the nature and gravity of the offense. The differentiation between ordinary and extraordinary crimes carries particular implications for prosecutorial discretion.⁵⁰ While the limitations in the KUHP aim for equitable long-term results, the non-application of serious human rights violations requires procedural rigidity, oversight, and expertise. The ad hoc mechanism of temporary investigative and judicial bodies addresses some of the challenges posed by complex cases by ensuring the complete collection of evidence, the protection of the defendant's right to the protection and assistance of victims. While the removal of time limits is a sign that the legislature feels comfortable entrusting that responsibility to prosecutors, it also imposes a significant burden on the system, as unjust prosecutions will continue to occur, regardless of time limitations. Thus, Law No. 26 of 2000 is a testament to how far the new limitations approach adjustments of traditional principles of extraordinary justice. The refinement of the law indicates an awareness that extraordinary crimes are of a different nature and, as such, require different legal or institutional arrangements beyond ordinary limitations. In this regard, there is evidence of Indonesia's limitation periods for the most serious offenses, imposing a

⁵⁰ R. Benny Riyanto et al., "Advocating for Excellence: Legal Strategies in Shaping Higher Education as a World-Class Research and Education Hub (Case of Indonesia, Oman, and United Arab Emirates)," *Indonesian Journal of Advocacy and Legal Services* 7, no. 2 (2025): 593–618, <https://doi.org/10.15294/ijals.v7i2.35080>.

corresponding burden on prosecutors and courts to develop institutional capacity in the form of specialized units, evidence protocols, and judicial expertise, which the 2023 code has begun but not yet fully resolved.

In principle, the KUHP's implementation of the statute of limitations reflects offender-centered justice and the pragmatic aspects of the criminal justice system. Temporal justice aims to deliver justice within a specific timeframe, enabling offenders to internalize the time-bound nature of the justice system. Offenders may be encouraged to desist from criminal behavior during gaps in enforcement in the justice system. This, however, comes at the expense of crime victims, especially given the time gaps in the justice system, whether intentional or unintentional. The limitations of the criminal justice system stem from the time-bound nature of prosecution, leading to complex time-pacing. The legal system manages time-bound trials and the suspension of time within statutes of limitation, and uniformly extends time without discretion. A time extension prospect from civil, non-criminal, prejudicial matters illustrates the complexity of interprocedural law that must be understood to operate within both civil and criminal law. This attempt to balance certainty and justice within the space of a legal principle violates the KUHP's limitation perimeter. The balancing exercise is particularly pertinent to the drafting of the KUHP, which seeks to address the indefinite liability of offenders and the indefinite victim prosecution, who, in the event of prosecutorial inaction, will suffer.

Such tensions exemplify the challenges of balancing rehabilitative aims and just deserts, as the pertinent time horizons must encapsulate both the offender's rehabilitation and the exercise of societal control. The presence of exceptions and stand-alone provisions in external laws, such as Law No. 26 of 2000, further illustrates the difficulty of engaging the multi-layered legal system of Indonesia, wherein legal complexities mean that the time constraints of laws apply unevenly to the severity and nature of the offense. This suggests that law enforcement is more effective when there is an integrated approach among investigators, prosecutors, and judges to give practical effect to the legislation's objectives and timeframes, so that no party is disadvantaged. The interplay between the legislative time frames, offender-focused justice, and victims' rights illustrates the intricate nature of criminal law enforcement.

Everything considered, the arguments provide a broad foundation for the justification, both on the rehabilitative and procedural fronts, of the law's flexibility in framing and amplifying the enforcement of its imposition and its temporality. The flexibility and temporal features of the law, especially in the case of serious offenses, promote a sense of legal propriety, thereby justifying the virtue of law in responding to and controlling antisocial behavior. In combination, these variables indicate the advancing stage of the development of the Indonesian penal system in the attempt to refine the balance between the classical rehabilitative doctrine and the contemporary normative legal expectations and the international human rights law, so that the control of law makes both the protective facets of the law and the elements of social justice available.⁵¹

Regarding solutions to empower and protect children from violence, it is important to be given.⁵² In such situations, the legal principles specified in Article 103 of the KUHP, including the general principles of the KUHP concerning other criminal laws, if no other law explicitly directs otherwise, allow the extension of a legal principle. Article 103 states that the first eight chapters of the KUHP (which comprise eight chapters) may be applied to offenses that other laws may criminalize, unless those other laws provide specific provisions on that matter. Therefore, Chapter VIII's statute of limitations applies to the time within which the prosecution and the imposition and execution of the sentence may be suspended, and may be extended, by reference to other criminal laws, if there are no provisions for a specific statute of limitations. Some laws indeed contain provisions that set arbitrary, outside constraints beyond those of the KUHP.⁵³ One example is Law No. 26 of 2000 on the Human Rights Court, which addresses crimes against humanity and provides additional provisions for their

⁵¹ Ali Masyhar et al., "Reclaiming the Unwritten: Living Law's Prospects under Indonesia's 2023 Penal Reform," *Jambe Law Journal* 8, no. 1 (2025), <https://doi.org/10.22437/home.v8i1.502>.

⁵² Anis Widyawati et al., "Empowering Boja Village through Equilibrium Theory Based Gender Equality for the Enhancement of Family Welfare," *Jurnal Pengabdian Hukum Indonesia* 7, no. 2 (2024): 173–87, <https://doi.org/10.15294/jphi.v7i2.2937>.

⁵³ Adhari et al., "The Ultimatum Remedium Principal Formulation Policy Is Partial in Nature to Corporate Criminality in Indonesia."

investigation and prosecution. Article 46 of Law No. 26 of 2000 states that there are no limitations on the prosecution of serious human rights violations, thereby creating an open-ended timeframe for the trial of such crimes.

Law No. 26 of 2000 on crimes of genocide, war crimes, and crimes against humanity has provided new latitude for prosecutors. These extraordinary crimes commonly involve the deployment of multiple specialized investigative units, special prosecutors, and special judges. Legally, the investigation of such crimes must be governed solely by the National Commission on Human Rights and occur within a specified time framework that includes built-in protections for both the victim and the witness (i.e., protections not stipulated by law). In a manner that is consistent with international law, by not providing time constraints regarding the prosecution of such crimes, Law No. 26 of 2000 is consistent with the 1968 UN Convention on the Non-Applicability of Statutory Limitations to Certain Crimes of War and Crimes against Humanity, which states that no crime that intersects with the right to punish and the right to prosecute has time constraints.

Furthermore, the UN Genocide Convention is clear on the necessity of time constraints for the prosecution of genocide.⁵⁴ These crimes also require the state to prosecute them, regardless of how far in the past the crime occurred. The application of such international treaties within the context of domestic law reflects the extent to which Indonesia is prepared to engage with the extraordinary measures of justice available for violations of human rights without time limitation.

This analysis demonstrates the difference between ordinary crimes and extraordinary crimes. There is a two-tiered legal system for each crime type. In ordinary criminal cases under the KUHP, there are time limitations intended to achieve rehabilitative and procedural justice. These time limitations aim to balance rehabilitation and accountability.⁵⁵

⁵⁴ Bronwyn Naylor, "Human Rights Oversight of Correctional Institutions in Australia," *European Journal of Criminology* 18, no. 1 (2021): 52–73, <https://doi.org/10.1177/1477370820958238>.

⁵⁵ Anis Widyawati et al., "Dynamics of the Penitentiary System, Transparent and Accountable Handling of Criminal Cases in Criminal Execution Law in Southeast Asia: Convergence and Divergence of International Perspectives," *Indonesia Law Review* 15, no. 1 (2025): 15–35, <https://doi.org/10.15742/ilrev.v15n1.1>.

However, in cases of extraordinary crimes, the principle of the non-applicability of limitations must override any additional rehabilitative or procedural considerations. Legal Dualism balances social order and the impact of crime whilst remaining compliant with the outer boundaries of international law. Law No. 26 of 2000 on extraordinary crimes is a specialized legal framework for judicial systems and legal processes designed for exceptional crimes. These processes may include temporary judicial systems that provide clarity to the courts and systems to protect the victims. This law reduces the likelihood that people will go unpunished, ensuring that those already protected by law and by temporal considerations do not allow the government to fail to act on the most critical human rights crimes.⁵⁶

This doctrinal lineage from the rigid uniformity of the old KUHP's Articles 78–81, through the exceptional imprescriptibility of Law No. 26 of 2000, to the differentiated framework of the 2023 code reveals a coherent trajectory in Indonesian criminal law: a gradual shift from time as a neutral procedural barrier toward time as a normative instrument calibrated to the nature and gravity of the offense. The differentiation between ordinary and extraordinary crimes carries particular implications for prosecutorial discretion. While the limitations in the KUHP aim for equitable long-term results, the non-application of serious human rights violations requires procedural rigidity, oversight, and expertise. The ad hoc mechanism of temporary investigative and judicial bodies addresses some of the challenges posed by complex cases by ensuring the complete collection of evidence, the protection of the defendant's right to the protection and assistance of victims. While the removal of time limits is a sign that the legislature feels comfortable entrusting that responsibility to prosecutors, it also imposes a significant burden on the system, as unjust prosecutions will continue to occur, regardless of time limitations. Thus, Law No. 26 of 2000 is a testament to how far the new limitations approach adjustments of traditional principles of extraordinary justice. The refinement of the law indicates an awareness that extraordinary crimes are of a different nature and, as such,

⁵⁶ Cekli Setya Pratiwi, "Bridging the Gap Between Cultural Relativism and Universality of Human Rights: Indonesia Attitudes," *Journal of Indonesian Legal Studies* 5, no. 2 (2020): 449–78, <https://doi.org/10.15294/jils.v5i2.39271>.

require different legal or institutional arrangements beyond ordinary limitations. In this regard, there is evidence of Indonesia's.

In principle, the KUHP's implementation of the statute of limitations reflects offender-centered justice and the pragmatic aspects of the criminal justice system.⁵⁷ Temporal justice aims to deliver justice within a specific timeframe, enabling offenders to internalize the time-bound nature of the justice system. Offenders may be encouraged to desist from criminal behavior during gaps in enforcement in the justice system. This, however, comes at the expense of crime victims, especially given the time gaps in the justice system, whether intentional or unintentional.⁵⁸ The limitations of the criminal justice system stem from the time-bound nature of prosecution, leading to complex time-pacing. The legal system manages time-bound trials and the suspension of time within statutes of limitation, and uniformly extends time without discretion. A time extension prospect from civil, non-criminal, prejudicial matters illustrates the complexity of interprocedural law that must be understood to operate within both civil and criminal law. This attempt to balance certainty and justice within the space of a legal principle violates the KUHP's limitation perimeter. The balancing exercise is particularly pertinent to the drafting of the KUHP, which seeks to address the indefinite liability of offenders and the indefinite victim prosecution, who, in the event of prosecutorial inaction, will suffer.

Such tensions exemplify the challenges of balancing rehabilitative aims and just deserts, as the pertinent time horizons must encapsulate both the offender's rehabilitation and the exercise of societal control. The presence of exceptions and stand-alone provisions in external laws, such as Law No. 26 of 2000, further illustrates the difficulty of engaging the multi-layered legal system of Indonesia, wherein legal complexities mean that the time constraints of laws apply unevenly to the severity and nature

⁵⁷ Ni Nengah Adiyaryani and Kadek Agus Sudiarawan, "Surveillance Function in Law Enforcement in Indonesia: Integrated Criminal Justice System Perspective," *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 10, no. 3 (2021): 471, <https://doi.org/10.24843/jmhu.2021.v10.i03.p04>.

⁵⁸ Supriyono Supriyono, M. Arief Amrullah, and I Gede Widhiana Suarda, "Pretrial in Indonesian Criminal Law," *International Journal of Educational Research & Social Sciences* 4, no. 3 (2023): 562–65, <https://doi.org/10.51601/ijersc.v4i3.664>.

of the offense. This suggests that law enforcement is more effective when there is an integrated approach among investigators, prosecutors, and judges to give practical effect to the legislation's objectives and timeframes, so that no party is disadvantaged. The interplay between the legislative time frames, offender-focused justice, and victims' rights illustrates the intricate nature of criminal law enforcement.⁵⁹

The old KUHP's statute-of-limitations framework, uniform, offender-oriented, and largely insulated from victim considerations, provides the essential baseline for understanding the significance of the 2023 reforms. The new code does not simply adjust limitation periods at the margins; it reconceptualizes their function. Where the old code treated time as a passive procedural clock, the new code treats it as an active normative instrument, one that must be calibrated to the gravity of the offense, the vulnerability of the victim, and the institutional capacity of the justice system to respond. The following section examines the specific provisions of the 2023 code through which this reconceptualization is given legal form.

Conclusion

The statute of limitations reforms in the new Indonesian criminal code represent a meaningful normative advance—but their ultimate significance will be determined not by legislative text alone, but by the consistency and integrity of their implementation. As this study has demonstrated, the new code reconceptualizes limitation periods from passive procedural deadlines into active instruments of proportional justice, calibrated to the gravity of the offense, the vulnerability of victims, and the institutional capacity of the justice system. This is a substantive departure from the uniform, offender-oriented framework of the old KUHP, and it merits recognition as such. Yet precisely because the reform is ambitious, its potential contradictions and implementation gaps deserve critical attention. The differentiated limitation framework introduces complexity that the existing prosecutorial and judicial

⁵⁹ Mokhammad Najih, "Indonesian Penal Policy: Toward Indonesian Criminal Law Reform Based on Pancasila," *Journal of Indonesian Legal Studies* 3, no. 2 (2018): 149–74, <https://doi.org/10.15294/jils.v3i02.27510>.

infrastructure may not yet be equipped to absorb. Where the old code's uniformity was its weakness, the new code's differentiation is simultaneously its strength and its vulnerability: without clear prosecutorial guidelines, comprehensive judicial training, and robust case management systems, the risk of inconsistent application across jurisdictions is substantial. A reform designed to reduce arbitrariness may, in practice, generate new forms of it.

A second tension concerns the victim-oriented provisions. The new code's recognition that victims of sexual violence, abuse, and power-based crimes may require extended time to report offenses is a normatively important development. However, the effectiveness of these provisions depends on institutional infrastructure, victim support services, accessible reporting mechanisms, and trauma-informed prosecutorial practices, all of which remain underdeveloped in many parts of Indonesia. Extended limitation periods are meaningful only if victims are practically able to exercise them; legislative extension without accompanying institutional support risks becoming symbolic rather than substantive.

Establishes concrete criteria for the initiation, suspension, and inapplicability of limitation periods, a framework that is more principled than its predecessor. The alignment with Law No. 26 of 2000 and international instruments such as the 1968 UN Convention on Non-Applicability of Statutory Limitations confirms that the reform is not an isolated domestic exercise, but part of a broader engagement with global standards of accountability. This alignment, however, also raises expectations: Indonesia's international partners and human rights observers will assess the reform's credibility not by its provisions on paper, but by whether imprescriptible crimes are actually prosecuted, and whether extended limitation periods for corruption and serious offenses translate into completed investigations and convictions. At the same time, the policy governing the expiration of criminal prosecutions

Three concrete areas require priority attention if the reform is to achieve its stated objectives. First, the legislature and the Supreme Court (Mahkamah Agung) should develop binding interpretive guidelines—in the form of PERMA (Supreme Court Regulations) or prosecutorial circulars that clarify how differentiated limitation periods are to be calculated, suspended, and applied across offense categories. Without

such guidance, the reform's normative ambitions will be filtered through the discretion of individual judges and prosecutors, producing the very inconsistency it seeks to eliminate. Second, the extension of limitation periods for corruption and financial crimes must be accompanied by a corresponding expansion of investigative capacity within the Komisi Pemberantasan Korupsi (KPK) and the Attorney General's Office, including digital forensic capability and international asset-tracing cooperation, since longer limitation periods are only meaningful if the institutions responsible for using them are adequately resourced. Third, the victim-centered provisions require integration with the broader victim protection framework under Law No. 31 of 2014 on Witness and Victim Protection, ensuring that extended reporting windows are supported by accessible legal aid, psychological assistance, and non-discriminatory prosecutorial attitudes.

Ultimately, the statute of limitations reforms in the new Indonesian criminal code are best understood not as a completed achievement, but as a legislative commitment whose fulfillment remains contingent on institutional will and capacity. The reform shifts the normative foundation of Indonesian criminal law toward a proportionate, victim-sensitive, and internationally engaged approach. Whether that shift produces durable change in the lived experience of justice for victims, defendants, and the public alike will depend on whether the courts, prosecutors, and legislature treat these provisions as the beginning of a broader modernization process.

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