



POLICY ON SETTING TIME LIMITS FOR THE RESOLUTION OF JUVENILE CRIMINAL CASES AT THE FIRST-INSTANCE TRIAL STAGE BASED ON THE PRINCIPLE OF JUSTICE

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Abstract

This study examines the policy formulation regarding time limits for the resolution of juvenile criminal cases at the first-instance trial stage based on the principle of justice. The research focuses on the urgency of establishing clear procedural time limits in juvenile criminal proceedings, particularly in cases where diversion fails to achieve an agreement and the matter proceeds to court. The study employs a normative juridical method using statutory, conceptual, and analytical approaches to examine the Juvenile Criminal Justice System Law, the New Criminal Procedure Code, and Supreme Court regulations related to judicial administration. The findings reveal that the absence of explicit regulations concerning time limits for juvenile case examinations creates legal uncertainty, prolongs judicial proceedings, and potentially affects the psychological condition and legal protection of children in conflict with the law. Furthermore, inconsistencies between procedural regulations and restorative justice mechanisms hinder the realization of effective and child-centered justice. Therefore, this study proposes an ideal criminal law policy (*ius constituendum*) through the establishment of specific time limits, judicial supervision mechanisms, and administrative sanctions to ensure expedited case resolution while maintaining restorative justice principles and prioritizing the best interests of the child.

Keywords: Juvenile Criminal Justice, Time Limits, Restorative Justice, Legal Certainty, Child Protection, *Ius Constituendum*

INTRODUCTION

Crime is an inevitable phenomenon that continues to evolve over time. We often assume that criminals are adults, but in reality, children can also become involved in crime as it evolves¹. Children, who are still in their formative years, are highly vulnerable to falling into illegal activities. Often, negative peer influence can trigger them to commit crimes. One factor that makes children more vulnerable is technological advancements that impact society, coupled with external cultures and environments that play a crucial role in shaping a child's character. Thus, a poor environment can encourage children to engage in criminal acts.²

In the context of children in conflict with the law, the criminal justice process involves not only law enforcement but is also closely linked to safeguarding the child's future. Therefore, the speed and certainty of resolving criminal cases involving children are of paramount importance. The absence of clear time limits for the resolution of juvenile criminal cases, particularly at the first-instance trial stage, has the potential to lead to protracted judicial proceedings, thereby undermining the best interests of the child. The urgency of establishing time limits for the resolution of juvenile criminal cases is all the more critical given that children are in a phase of psychological, social, and educational development that is particularly vulnerable to the impacts of prolonged legal proceedings³.

¹ "Alhakim, A. *Integral Approach To Cultural Reform: An Indonesian Criminal Justice Sistem*. Legal Spirit, 2022, hlm. 6."

² "Brian Septiadi Daud dan Litya Surisdani Anggraeniko, *Kelemahan Penyelesaian Perkara Pidana Anak Melalui Restoratif Justice dalam Sistem Peradilan Pidana Anak*, 2023, *Jurnal Pacta Sunt Servanda* 4, no. 1, hlm. 1–21."

³ "Widya Romasindah Aidy, *Anak Berhadapan Hukum Ditinjau dari Aspek Psikologi Hukum*, 2021, *Jurnal Hukum Sasana* 7, no. 2, hlm. 358–360"

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The protection of children within the criminal justice system is a critical issue that continues to receive attention. As the next generation, children have specific rights that must be safeguarded, including the right to legal protection⁴. According to Law No. 11 of 2012 on the Juvenile Criminal Justice System, the sanctions for children who come into conflict with the law are as follows: 1) Children under 12 years of age (Article 21 of the Juvenile Criminal Justice System Law) will be returned to their parents or guardians and placed in a Juvenile Correctional Institution (LPKS); 2) Children aged 12 to 14 (Article 82 of the Child Criminal Justice System Law) will be returned to their parents and placed in a Child Protection and Rehabilitation Center (LPKS); 3) Children aged 15 to 18 (Article 71 of the Child Criminal Justice System Law) may receive principal punishments, such as: a warning, probation, vocational training, institutional guidance, and imprisonment, as well as additional punishments requiring them to return to their parents and participate in training at a Child Protection and Rehabilitation Center (LPKS).⁵

Although the Child Protection Act (SPPA) provides for various forms of protection for children in conflict with the law, there are currently no provisions that explicitly set a time limit for the resolution of criminal cases involving children at the first-instance trial stage. This situation creates the potential for protracted trial proceedings, particularly for children who are not in custody. Such prolonged legal proceedings can have various negative impacts on children, including psychological stress due to legal uncertainty, disruption of their education and school activities, the emergence of social stigma within the community, and the hindrance of the child's rehabilitation and social reintegration process. Therefore, the urgency of this research also lies in the need to formulate policies regarding time limits for the resolution of juvenile criminal cases to ensure legal certainty, justice, and the protection of the best interests of the child.

In judicial practice, it is not uncommon for juvenile criminal cases to take more than three months to be resolved at the first-instance trial stage. Some cases even require a considerable amount of time from the transfer of case files to the court until a verdict is handed down, particularly in cases involving children who are not in custody. This situation indicates that the absence of binding time limits for case resolution contributes to the length of juvenile trial proceedings. Consequently, the objectives of a swift, simple, and cost-effective judicial process have not yet been fully realized within the juvenile criminal justice system. The suboptimal implementation of the Juvenile Criminal Justice System Act (UU SPPA) in ensuring the efficient resolution of cases further underscores this issue. In line with this, the examination of juvenile cases in court often proceeds without clear time limits, potentially resulting in case resolution durations far exceeding three months. This reflects a legal vacuum in the regulation of timeframes for resolving juvenile criminal cases, which requires strengthening through more definitive policy formulation oriented toward the best interests of the child⁶.

In the practice of juvenile criminal justice at the first-instance trial stage, case resolution does not always occur within a short and definite timeframe. A search through the Supreme Court's Case Tracking Information System (SIPP) reveals that some juvenile criminal cases are resolved over a relatively long period of time. For example, Case No. 5/Pid.Sus-Anak/2024/PN Bandung took 175 days to resolve at the first instance. Meanwhile, Case No. 24/Pid.Sus-Anak/2018/PN Bandung was resolved in 113 days. Even within the same appellate district, there are variations in resolution timelines, such as Case No. 2/Pid.Sus-Anak/2025/PN Ciamis and Case No. 1/Pid.Sus-Anak/2025/PN Ciamis, which each took 63 days until a verdict was rendered. These differences and the length of the resolution periods indicate the absence of clear and uniform time limits for the examination of juvenile criminal cases at the first-instance trial stage, particularly in cases where diversion efforts have failed and the child has not been detained. This situation has the potential to create legal uncertainty and is contrary to the principles of justice and the best interests of the child, which are fundamental principles in the juvenile criminal justice system.

In the practice of juvenile criminal justice, there is a significant disparity in the resolution of cases involving detained children and those who are not detained. The difference in the duration of juvenile criminal proceedings between detained and non-detained children is a direct consequence of the design of criminal procedure law, which establishes detention time limits as the sole mechanism for regulating the duration of the trial process. Law No. 11 of 2012 on the Juvenile Criminal Justice System (Juvenile Criminal Justice Law) does strictly regulate the time limits for the detention of children at every stage of the proceedings, so that cases involving detained children tend to be

⁴ "Dewi Mulyati dan Ali Dahwir, *Perlindungan Hukum Terhadap Anak Sebagai Pelaku Kejahatan*, Solusi 20, no. 1, 2022, hlm 31-48."

⁵ "Widodo, G., *Sistem Pemidanaan Anak Sebagai Pelaku Tindak Pidana Perspektif Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak*. *Jurnal Surya Kencana Dua: Dinamika Masalah Hukum dan Keadilan*, 6(1), 2016 . hlm 65-67."

⁶ "Yose Desman dan Ahmad Redi, *Reform of the Juvenile Justice Sistem Regarding the Age Limit for Criminal Responsibility*, 2024, *Journal Syntax Idea* 6, no. 12, hlm. 6710–6723"

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processed more quickly to avoid procedural violations. However, for children who are not detained, neither the UU SPPA nor its implementing regulations have established specific and binding time limits for the resolution of cases at the first-instance trial stage. Consequently, cases involving children who are not detained often drag on, even exceeding three months, without being considered a procedural violation. This situation is exacerbated by Supreme Court Circular Letter No. 2 of 2014, which establishes only general time limits for the resolution of cases across all types of cases, without distinguishing the specific characteristics and needs of juvenile criminal cases. In fact, even if the child is not in custody, a protracted legal process still causes harm to the child psychologically, socially, and educationally and prolongs the uncertainty surrounding the child's legal status.⁷

When compared to certain specialized types of cases, such as industrial relations cases and fisheries cases, there are notable differences in the time limits for resolving these cases. In industrial relations cases, Article 103(1) of Law No. 2 of 2004 on the Settlement of Industrial Relations Disputes explicitly stipulates that the panel of judges must issue a decision no later than 50 (fifty) working days from the first hearing, as an embodiment of the principle of swift, simple, and cost-effective justice (*contante justitie*).⁸ Although delays are still encountered in practice, this provision demonstrates the legislature's commitment to providing certainty regarding the timeframe for case resolution. Similarly, in the procedural law governing fisheries courts, the time limits for resolving criminal fisheries cases are explicitly set forth in Article 80(1) of Law No. 31 of 2004 on Fisheries, as amended by Law No. 45 of 2009, which requires judges to issue a verdict no later than 30 (thirty) days from the date the case file is received by the court⁹. This provision indicates that in fisheries cases, the legislature has established clear time limits for proceedings as part of the guarantee of legal certainty and judicial efficiency¹⁰. However, in juvenile criminal cases, despite involving the child's future interests, regulations regarding time limits for case resolution at the first-instance trial stage have not been specifically established. This situation indicates a legal vacuum that has the potential to harm the child and contradicts the principle of the best interests of the child¹¹.

Restorative justice was first regulated in Law No. 11 of 2012 on the Juvenile Criminal Justice System (SPPA). Article 5 states that in juvenile courts, the restorative justice approach must be a priority. One form of this is diversion. The Supreme Court actively responded to the SPPA Law by issuing Supreme Court Regulation No. 4 of 2014 on Guidelines for the Implementation of Diversion, which serves as a guide for judges in resolving juvenile cases¹². The Criminal Justice System (SPP) for adults has also evolved with the implementation of restorative justice as an alternative dispute resolution method. However, to date, government regulations on this matter will only be included in the National Criminal Code (KUHP), which is set to take effect in 2026. There are two provisions in Law No. 1 of 2023 related to restorative justice. First, Article 94 in conjunction with Articles 81–83 regarding additional penalties and restitution. Second, Article 76(3)(a) concerning principal sentences with special supervision to restore victims; however, currently, the implementation of restorative justice has become a separate policy for each law enforcement institution¹³.

Recent developments indicate that the concept of restorative justice has been more explicitly incorporated through the introduction of the Restorative Justice Mechanism (RJM) in Law No. 20 of 2025 on the Criminal Procedure Code (New CPC). In Articles 79–88, the Restorative Justice Mechanism (RJM) is described as an effort to restore the original state of affairs through forgiveness, restitution of property, compensation for losses, repair of damage, or other forms of compensation, which must be set forth in an agreement and implemented within a maximum period of 7 (seven) days. If the agreement is fully implemented, the case must be discontinued and a court ruling requested; whereas if the agreement is not implemented, the judicial process continues with the minutes of proceedings as part of the case file. MKR may be applied at all stages of the judicial process, from investigation, inquiry, and prosecution to trial proceedings, subject to limitations regarding certain types of criminal offenses and exceptions for serious criminal offenses. Nevertheless, further provisions regarding the technical procedures for

⁷ "Kayus Kayowuan Lewoleba dan Mulyadi, *Implementasi Sistem Peradilan Pidana Anak dalam Rangka Mewujudkan Keadilan Restoratif, Al-Mashlahah: Jurnal Hukum Islam dan Pranata Sosial Islam* 11, no. 2, hlm. 143–162"

⁸ Pasal 103 ayat (1) Undang-Undang Nomor 2 Tahun 2004 tentang Penyelesaian Perselisihan Hubungan Industrial

⁹ Pasal 80 ayat (1) Undang-Undang Nomor 31 Tahun 2004 tentang Perikanan jo. Undang-Undang Nomor 45 Tahun 2009

¹⁰ Saptoyo, *Inilah Alasan Mengapa Proses Penegakan Hukum Pidana Perikanan Harus Berlangsung Singkat*, *MarineWS Mahkamah Agung*, 5 Agustus 2025, diakses melalui <https://marinews.mahkamahagung.go.id/artikel/penegakan-hukum-pidana-perikanan-harus-berlangsung-singkat-0sB>

¹¹ Chelsea Mutiara Putri, Adinda Januarizki Simorangkir, dan Dinda Yunisa, *Tinjauan Yuridis Jangka Waktu Penyelesaian Perselisihan Hubungan Industrial di Pengadilan Hubungan Industrial (PHI) Medan, 2022*, *Recht Studiosum Law Review* 1, no. 1.

¹² "Ningtias, D. R., Sampara, S., & Djanggih, H. *Sebagai Bentuk Penyelesaian Perkara Pidana Anak*. *Journal of Lex Generalis (JLG)*, 1(5), 2020. hlm 633-651."

¹³ "Prayoga, I., & Rinaldi, K. *Restoratif Justice di Desa: Transformasi Penyelesaian Konflik Menuju Kekeluargaan.*, 2023."

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implementing Restorative Justice are still pending regulation in a Government Regulation, as mandated by Article 88 of the New Criminal Procedure Code. Pursuant to the transitional provisions, as long as said Government Regulation has not yet been issued, existing regulations and policies on restorative justice remain in effect to the extent they do not conflict with the New Criminal Procedure Code; consequently, the practical application of MKR remains transitional in nature and has the potential to create legal uncertainty, particularly in juvenile criminal cases at the first-instance trial stage.¹⁴

Based on “Law No. 11 of 2012 on the Juvenile Criminal Justice System,” the restorative justice approach is a method of resolving criminal cases that involves all relevant parties in jointly formulating a just resolution, with a primary focus on restoring the situation to its original state rather than on imposing punitive sanctions.¹⁵ Diversion is one of the steps toward achieving restorative justice. It is the process of redirecting the resolution of cases involving children in legal trouble away from the criminal justice system and into alternative processes. Within the juvenile criminal justice system, the application of the diversion concept is intended to create a more just and human-centered approach to case management. If diversion efforts fail to reach an agreement, or if an agreement reached is not implemented, the case will proceed to the judicial process stage (“as stipulated in Article 13 of Law No. 11 of 2012”)¹⁶. Nevertheless, implementation in the field reveals various obstacles related to the failure of the diversion process, which ultimately has a significant impact on the condition of children in conflict with the law. Thus, the failure of diversion is a critical issue that challenges the effectiveness of the juvenile justice system. The consequences of failed diversion are felt not only by the child but also by society and the justice system as a whole. Children who do not succeed in the diversion process tend to face social stigma, struggle to reintegrate into society, and are at risk of becoming entangled in more serious criminal behavior.

The concept of restorative justice has emerged as an alternative to the traditional criminal justice system, which places greater emphasis on retribution. Restorative justice is oriented toward redressing the harm suffered by the victim, rehabilitating the offender, and restoring the relationship between the offender and the victim¹⁷. This approach is particularly relevant in handling cases involving children, as it provides an opportunity for the child to recognize and accept the consequences of their actions, repair the relationship with the affected party, and reintegrate into society. To promote the application of restorative justice in the handling of juvenile cases, particularly those involving juvenile offenders who have failed diversion, the Supreme Court has issued Supreme Court Regulation (Perma) No. 1 of 2024, Article 6, paragraph (1), subparagraph (d). This regulation is expected to serve as a guideline for judicial officials in applying restorative justice consistently and effectively.

In practice, there are differences in the treatment of restorative justice for adult criminal cases and restorative justice for children who fail diversion. For instance, the case resolution process for adults takes longer than that for children, whose cases need to be resolved more quickly for the child’s own well-being. However, in Perma 1 of 2024, there are no clear details regarding restorative justice for children who have failed diversion. Yet, the Regulation indicates that resolving cases through restorative justice requires additional time, particularly if reconciliation has not been achieved and the victim’s presence is still required, while Article 17(2) stipulates that the restorative justice process must still adhere to the time limits for the defendant’s detention and the case resolution timeline. Furthermore, “Supreme Court Circular Letter No. 2 of 2014” mandates that proceedings at both the First Instance and Appellate Courts must be completed within a maximum period of five months, covering all types of cases both civil and criminal without providing special treatment for case resolution procedures within the juvenile criminal justice system.

Through “Supreme Court Regulation No. 1 of 2024,” the Supreme Court has legitimized the application of the principle of restorative justice as an alternative approach in cases where diversion fails in juvenile cases. This regulation underscores the urgency of prioritizing the best interests of the child at every stage of the legal process. In line with this, a normative analysis is needed to identify the effectiveness of applying a restorative approach in the context of failed diversion, as well as to evaluate the extent to which this provision ensures the protection of children’s rights.

¹⁴ Undang-Undang Republik Indonesia Nomor 20 Tahun 2025 Tentang Kitab Undang-Undang Hukum Acara Pidana, Pasal 79-88.

¹⁵ “Mulyati, D., & Dahwir, A. *Perlindungan Hukum Terhadap Anak Sebagai Pelaku Kejahatan. Solusi Universitas Palembang*, 20(1), 2022. hlm, 31-48.”

¹⁶ “Utami, P. R. *Konsep Diversi Dan Restoratif Justice Sebagai Pergeseran Tanggung Jawab Pidana Pada Sistem Peradilan Pidana Anak. Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 2018. hlm, 95-106.”

¹⁷ “Sujono, S., Sudarto, S., & Putra, H. A. *Analisis Penerapan Restoratif Justice Oleh Kejaksaan Republik Indonesia Dalam Bingkai Arah Pembaharuan Politik Hukum Pidana Di Indonesia. JURNAL RECTUM: Tinjauan Yuridis Penanganan Tindak Pidana*, 6(3), 2024. Hlm. 551-564.”

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Against this backdrop, this study is relevant for deepening our understanding of the timeframe for resolving juvenile criminal cases, as well as exploring the contribution of restorative justice in strengthening the protection of children's rights and creating fair resolution mechanisms, even when diversion does not yield results. This study is also expected to provide actionable recommendations for law enforcement officials and stakeholders to support the realization of a more just and recovery-oriented juvenile justice system.

LITERATURE REVIEW

Previous Research

The author of this study reviewed several previous studies and scholarly works that examined the same subject matter, specifically regarding restorative justice for children and alternative dispute resolution approaches in the juvenile criminal justice process through diversion mechanisms. The following are two studies relevant to this research:

1. A similar study was previously authored by "Brian Septiadi Daud and Litya Surisdani Anggraeniko, Weaknesses in the Resolution of Juvenile Criminal Cases through Restorative Justice in the Juvenile Criminal Justice System." The similarity with the study to be written lies in the fact that there are still several weaknesses in the application of restorative justice in juvenile cases; however, what distinguishes this study is that it focuses more on guidelines for adjudicating cases involving unsuccessful diversion¹⁸.
2. A similar study was previously conducted by "Asmita Widimartha Nainggolan and Yasmirah Mandasari Saragih, titled 'The Application of Diversion for Children in Conflict with the Law within the Juvenile Justice System.'" The similarity between this study and the previous one lies in their focus on the implementation of diversion mechanisms within the Juvenile Criminal Justice System. However, this study is unique in that it provides a more in-depth explanation of the stages of restorative justice applied to juvenile cases when the diversion process is unsuccessful.¹⁹

Theoretical Framework

1. Theories of the Purposes of Law (Legal Certainty, Justice, and the Best Interests of the Child): Analyzing the purposes of law in establishing time limits for the resolution of juvenile criminal cases at the first-instance trial stage, particularly regarding the fulfillment of legal certainty, justice, and the best interests of the child.
2. Theory of the Juvenile Criminal Justice System (Best Interest of the Child): Examining the juvenile criminal justice system as a specialized system oriented toward the best interest of the child, and analyzing the impact of the length of the first-instance trial process on the protection and rights of the child.
3. Criminal Law Policy Theory: Analyzing criminal law policy at the policy formulation stage, particularly regarding the weaknesses and gaps in regulations concerning time limits for resolving juvenile criminal cases in legislation.

Analysis of Legal Materials

1. Legal analysis of the SPPA Law, Supreme Court Regulation No. 1 of 2024, and related regulations.
2. Legal analysis of primary, secondary, and tertiary legal sources.
3. Evaluation of the effectiveness of existing regulations from the perspective of the principles of justice and legal certainty.
4. Formulation of a policy concept for an ideal criminal law framework (*ius constituendum*) regarding time limits for the resolution of juvenile criminal cases.

METHOD

1. Type of Research

Based on the title and the legal issues that form the focus of this study, an appropriate approach is necessary to obtain results that are useful both theoretically and practically. Therefore, this study employs a normative legal approach, which is a type of legal research that relies on a literature review by examining both primary and secondary

¹⁸ Brian Septiadi Daud, Litya Surisdani Anggraeniko, *Kelemahan Penyelesaian Perkara Pidana Anak melalui Restoratif Justice dalam Sistem Peradilan Pidana Anak*, Jurnal Pacta Sunt Servanda, Volume 4 Nomor 1, Maret 2023.

¹⁹ Asmita Widimartha Nainggolan dan Yasmirah Mandasari Saragih, *Innovative: Journal Of Sosial Science Research*, Volume 3 Nomor 4 Tahun 2023.

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legal sources²⁰. This research aims to explore and formulate legal principles relevant to interpreting statutory provisions. Additionally, this approach is intended to identify legal principles, whether explicitly stated or implied, within the legal norms under examination²¹.

2. Research Approach

The approaches used in this study consist of:

a. Statutory Approach

The statutory approach is a method that involves examining all laws and regulations directly related to the legal issue under study²². In this context, the researcher analyzes the legal provisions relevant to the research topic, specifically the regulations regarding the time limit for resolving juvenile criminal cases at the first-instance trial stage. This approach is used to identify the existence of legal vacuums or ambiguities in the regulations.

b. Case Approach

The case approach in legal research involves an in-depth analysis of legal cases relevant to the research issue, particularly those that have attained final and binding force (*inkracht van gewijsde*). The primary focus lies in identifying the *ratio decidendi*—that is, the legal basis used by judges in adjudicating cases. Understanding this legal reasoning is crucial, not only for the application of legal practice but also for the development of legal theory in the academic realm. Unlike exploratory case studies, the case approach utilizes a body of judicial decisions as precedents to establish a framework for resolving similar legal issues. Through this approach, researchers can identify patterns of judicial argumentation and consistent legal principles, while analyzing the development of normative interpretations within the dynamics of the judicial system.

In this study, the case approach is used in a limited capacity as a supporting tool to verify and confirm normative issues related to time limits for resolving juvenile criminal cases, not to empirically assess judicial practices. Therefore, court decisions are analyzed to the extent relevant to demonstrate the legal implications of the absence of clear time limit regulations in positive law.

c. Conceptual Approach (Conceptual Approach)

The conceptual approach is a method grounded in the thinking and doctrines developed within the discipline of law. Through an examination of these various perspectives and doctrines, researchers are expected to gain profound insights to form an understanding of the law, including legal concepts and principles relevant to the legal issue under study²³. This approach is used to formulate a policy concept for establishing a time limit for the resolution of juvenile criminal cases at the first-instance trial stage based on the principles of justice and the best interests of the child.

3. Data Sources

In legal research, legal references are categorized into two types: primary legal sources, which include legislation and court decisions; and secondary legal sources, which include legal doctrine, legal literature, and expert opinions²⁴. With these considerations in mind, this study will utilize a number of legal materials detailed as the following objects of analysis:

a. Primary Legal Materials, namely:

- i. “The 1945 Constitution of the Republic of Indonesia.”
- ii. “Law No. 20 of 2025 the Criminal Procedure Code”
- iii. “Law No. 11 of 2012 on the Juvenile Criminal Justice System”.
- iv. “Law No. 35 of 2014 in conjunction with Law No. 23 of 2002 on Child Protection”.
- v. “Supreme Court Regulation No. 4 of 2014 on Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System”.
- vi. “Regulation of the Supreme Court of the Republic of Indonesia No. 1 of 2024 on Guidelines for Adjudicating Criminal Cases Based on Restorative Justice”.
- vii. “Supreme Court Circular Letter No. 2 of 2014 on the Resolution of Cases in First-Instance and Appellate Courts within the Four Judicial Jurisdictions”.
- viii. “Judgments Incorporating Considerations of Restorative Justice Regarding Unsuccessful Diversion”.

²⁰ Soerjono Soekanto dan Sri Mahmudji, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*, Raja Grafindo Persada, Jakarta, 2003, hlm. 13.

²¹ Bambang Sunggono, *Metodologi Penelitian Hukum*, Jakarta: Raja Grafindo Persada, 2003, hlm. 27-28.

²² Peter Mahmud Marzuki, *Penelitian Hukum*, Kencana Prenada Media Group, Jakarta, 2005, hlm. 93.

²³ Morris L. Cohen dalam Muh.Aspar, *Metode Penelitian Hukum*, Universitas Sembilan Belas November, Kolaka, 2015, hlm.15.

²⁴ Peter Mahmud Marzuki, *Penelitian ... Op. Cit.* hlm. 181

b. Secondary Legal Sources.

Secondary legal sources are reference materials that include legal literature written by “influential legal experts, articles in academic journals, academic opinions, legal case analyses, and the results of recent scholarly discussions relevant to the research topic.”²⁵ This study utilizes secondary legal materials consisting of relevant legal literature, including previous theses or research, scientific journals, books, and various papers related to the topic of study.

4. Data Collection Methods

The data collection methods used in this study include library research and document analysis. Library research aims to obtain secondary data through a review of legal literature, legislation, legal theories, expert opinions, and other relevant sources related to the application of restorative justice for children in cases of diversion failure. Meanwhile, document analysis is conducted by systematically examining the content of legislation, court decisions, and other relevant legal documents.

5. Data Analysis

The analytical method applied in this normative legal study employs a qualitative approach. The data analyzed was obtained from various relevant legal sources, both primary and secondary, through a statutory and conceptual approach. All data from these legal materials was then processed to identify the characteristics of restorative justice in the context of the failure of diversion for children as part of efforts to protect children’s rights and facilitate social rehabilitation.

RESULTS AND DISCUSSION

A. The Urgency of Establishing Time Limits for the Review of Rejected and Non-Rejected Diversion Cases Based on the Theory of the Purpose of Law

1. Legal Framework (Formulation) of the Duration of Juvenile Trials at the First Instance

Children are the nation’s assets; even if a child is a criminal offender under the law, the primary focus is not only on the criminal justice system but also on child protection. Children must be safeguarded and granted the right to legal protection. The regulation governing this matter is “Law No. 11 of 2012 on the Juvenile Criminal Justice System.” Article 5 of the Child Criminal Justice System Law (UU SPPA) stipulates that the juvenile criminal justice system must prioritize a restorative justice approach, which includes: 1) the investigation and prosecution of children conducted in accordance with the provisions of laws and regulations, 2) trials of children conducted by courts within the general court system, 3) guidance, counseling, supervision, and/or support.”²⁶

The implementation of restorative justice in the juvenile criminal justice system is a diversion process. Diversion is the transfer of a juvenile’s case from the criminal justice process to a process outside the criminal justice system. The diversion process is carried out through deliberation involving the juvenile and their parents or guardians, the victim and/or their parents or guardians, a probation officer, and a professional social worker, based on a restorative approach. There are conditions for the implementation of diversion; namely, it may be conducted if the criminal offense constitutes a misdemeanor, a minor offense, an offense without a victim, or if the value of the victim’s loss does not exceed the local provincial minimum wage. Article 6 of the SPPA Law outlines the objectives of Diversion, namely: 1) to achieve reconciliation between the victim and the child, 2) to resolve the child’s case outside the judicial process, 3) to prevent the child from being deprived of liberty, 4) to encourage community participation, and 5) to instill a sense of responsibility in the child. It is believed that the provisions of this article will provide children who have committed crimes with a second chance and help safeguard future generations²⁷.

The concept of diversion under the SPPA Act must be pursued at every stage of the judicial process, namely during the investigation, prosecution, and trial proceedings. Under Article 29(1) and (2) of the SPPA Law, during the investigation stage, the diversion process may begin after obtaining consent from both the perpetrator and the victim. If consent is granted, the diversion process must commence within 7 days of the report being received, with a maximum timeframe of 30 days following the granting of consent. The same applies to the prosecution stage, as regulated in Article 42, paragraphs (1) and (2), and the trial stage, as regulated in Article 52, paragraphs (2) and (3). Thus, this mechanism becomes part of the series of processes for resolving juvenile criminal cases involving law

²⁵ Johny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif*, Surabaya: Bayumedia, 2008, hlm. 295

²⁶ Undang-Undang, “Undang-Undang Republik Indonesia Nomor 11 Tahun 2012 Tentang Sistem Peradilan Anak.”

²⁷ Ketua Mahkamah Agung RI, “Peraturan Mahkamah Agung Republik Indonesia Nomor 4 Tahun 2014 Tentang Pedoman Pelaksanaan Diversi Dalam Sistem Peradilan Pidana Anak.”

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enforcement officials such as the police, the prosecution, and judges. If the diversion process results in an agreement, that agreement is documented in a diversion agreement record signed by the parties involved and submitted to the presiding judge for a ruling, as stipulated in Article 12, which states that the presiding judge must issue a ruling within a maximum of 3 days from the date the diversion agreement is reached. This ruling serves as the basis for the investigator to terminate the investigation, for the public prosecutor to withdraw the charges, and for the judge to halt the trial of the child in court.

On the other hand, if the diversion process does not result in an agreement, the juvenile criminal case must still proceed through the investigation, prosecution, and trial phases as stipulated in Article 13. If diversion does not result in an agreement, the case will proceed to the trial phase, which includes the reading of the indictment, the examination of witnesses, the examination of evidence, the examination of the defendant, and the rendering of a verdict by the judge. In judicial practice, it is often found that the time spent on the diversion process is not followed by an acceleration of the evidentiary hearing stage, so the case proceeds through the same trial mechanisms as other criminal cases. This situation results in a longer total case resolution time because the diversion process, which previously took time, is not offset by an acceleration of the evidentiary process once the case is returned to trial. Consequently, the time required to resolve juvenile criminal cases at the first instance level increases and takes longer than expected.

If an agreement is not reached during the diversion process, the juvenile criminal case will proceed through the judicial process. Law No. 20 of 2025 (New Criminal Procedure Code) provides for the use of the Restorative Justice Mechanism (MKR) that can be applied to eligible criminal offenses, such as those punishable only by a fine of up to Category III, or those punishable by imprisonment for a maximum of five years, as well as offenses committed for the first time and not involving the recurrence of certain criminal acts; thus, this MKR approach can still be applied to diversion cases that do not result in an agreement. The interconnection between these two provisions indicates that the restorative justice mechanisms in the new Criminal Procedure Code can serve as an additional avenue for resolving juvenile criminal cases through a restorative approach after diversion efforts have failed; this situation suggests the possibility of adding a new stage to the juvenile criminal case resolution process due to the availability of new mechanisms that can be utilized provided that the specified requirements are met.

This situation demonstrates that regulations regarding time limits for resolving juvenile criminal cases require synchronization between the provisions of the juvenile criminal justice system and those of the new Criminal Procedure Code, as the existence of restorative justice mechanisms following the failure of diversion can lead to issues regarding the length of the case resolution process if not accompanied by clear and measurable time limits; such conditions may also impact legal certainty and the right to protection for children undergoing the criminal justice process. The formulation of future criminal law policies must be directed toward regulations capable of integrating diversion mechanisms and restorative justice mechanisms into a single, interconnected system, so that every stage of resolving juvenile criminal cases has clear and measurable time limits. This ensures that the resolution process for juvenile cases consistently prioritizes the best interests of the child as the primary principle while maintaining the achievement of restorative justice without resulting in that drags on for too long.

Time is a crucial factor in the resolution of juvenile criminal cases. Supreme Court Circular Letter No. 2 of 2014 is a regulation designed to expedite the resolution of court cases by establishing time limits for case processing in court. The regulation aims to prevent protracted trial delays and provide legal certainty. In reality, in juvenile criminal cases, the existence of these guidelines should serve as a vital tool to ensure that the judicial process does not drag on for too long; however, weaknesses have been identified in the regulation. SEMA No. 2 of 2014 has a weakness when applied to juvenile criminal cases regarding the acceleration of case resolution: the regulation does not provide specific details on the mechanisms that must be followed when the trial process requires additional stages, such as diversion efforts that require separate time. One example is when no agreement is reached through diversion, the trial proceeds; however, under the New Criminal Procedure Code (KUHAP), there is a Restorative Justice Mechanism. The existence of this additional mechanism opens the possibility of more complex case resolution stages that require additional time. Under these circumstances, SEMA No. 2 of 2014 has not yet provided adequate provisions regarding how trial time limits should be adjusted to accommodate the various restorative mechanisms that have emerged within the criminal justice system.

From a normative perspective, SEMA No. 2 of 2014 still has limitations because it serves only as an internal administrative guideline for the judiciary and has not yet been able to provide strong legal certainty regarding comprehensive time limits for the resolution of juvenile criminal cases. From a criminal law policy perspective, synchronization is needed between guidelines for expediting case resolution in court and the regulations within the juvenile criminal justice system, as well as provisions in the new Criminal Procedure Code, so that case resolution time limits can be regulated more clearly and effectively, thereby achieving a balanced fulfillment of the goals of child protection and legal certainty in the judicial process.

Furthermore, an examination of the administration of juvenile criminal justice reveals that there is a disparity in the speed of case resolution between children who are detained and those who are not. Detained children tend to have their cases resolved more quickly due to the time limits on detention, which encourage law enforcement officials to expedite the case review process until a verdict is handed down. The situation is different for children not subject to detention; law enforcement officials perceive the absence of a time limit, resulting in a perceived lack of urgency during the case review process. This raises concerns from a child protection perspective because both detained and non-detained children have the same right to a swift resolution of their cases to ensure legal certainty and prevent prolonged psychological impacts resulting from the judicial process. Therefore, a clear time limit is necessary in juvenile criminal cases.

Furthermore, Article 54 of Law No. 11 of 2012 stipulates that judges hear juvenile cases in closed-door proceedings; the case report reviewed by the judge must include the findings of the social worker's investigation. In practice, this provision often leads to trial delays because the judge must wait for the social worker to complete the investigation report. Furthermore, Article 55 also stipulates that the judge must order the social worker to accompany the child and be present during the hearing; if the social worker is absent, the juvenile hearing will be canceled. Therefore, the incomplete social worker's report or the social worker's absence from the hearing can cause the hearing to be postponed; consequently, a strict time limit is necessary in the adjudication of juvenile criminal cases.

2. Analysis of Diversion Cases Based on the Theory of the Purpose of Law

Gustav Radbruch integrated three classical perspectives—philosophical, normative, and empirical—into a single framework. Radbruch incorporated these three approaches as fundamental components of his theory, known as the “three fundamental values of law”: justice (philosophical), legal certainty (juridical), and social utility (sociological)²⁸. Diversion is an instrument that improves the rigid approach to sentencing with the aim of balancing the protection of the individual child and social interests. The following is an analysis of diversion based on the theory of the purposes of law:

2.1. Justice

Justice is the harmony between the exercise of rights and the fulfillment of duties in accordance with the principle of legal balance, namely the proportionality of rights and duties. Meanwhile, Aristotle's theory of justice views justice as equality, whether numerical equality or proportional equality²⁹. Law No. 11 of 2012, Article 5, states that the juvenile criminal justice system must prioritize a restorative approach. Restorative justice is a diversion process in which all parties involved in a specific criminal act work together to resolve the issue and create an obligation to make things better by involving the victim, the child, and the community in finding solutions for repair, reconciliation, and healing that are not based on retribution. Diversion must be proposed for every criminal case involving a child at every stage of the judicial process. Diversion is a measure that reflects substantive justice; this approach aligns with Radbruch's notion that the law should not only focus on formal resolution but must also consider humanitarian values and the proportionality of treatment toward the offender, especially in the case of children who are still in the developmental stage. The diversion process contained in Law No. 11 of 2012 can help children avoid treatment that has the potential to harm the development of children who are in conflict with the law or the juvenile criminal justice system. In accordance with Article 1 Paragraph (7) of the SPPA Law, the purpose of diversion is to achieve restorative justice through dialogue and reconciliation between the offender and the victim.

PERMA No. 1 of 2024 on Guidelines for Adjudicating Criminal Cases Based on Restorative Justice also applies to the adjudication of juvenile cases, particularly for juveniles whose diversion has failed. One of the frequently encountered obstacles is the absence of the victim; according to the PERMA, if the victim is absent, the trial may be postponed for approximately 7 days to summon the victim again, a rule that causes the judicial process to take even longer. Meanwhile, Article 17(2) states that the restorative justice process must still take into account the time limits for the defendant's detention and the time required to resolve the case. Additionally, SEMA No. 2 of 2014 stipulates that proceedings at both the first-instance and appellate courts must be concluded within a maximum period of five months, covering all types of cases—both civil and criminal—without providing special treatment for case resolution procedures within the juvenile criminal justice system. In comparison, Law No. 45 of 2009 on Fisheries explicitly stipulates that fisheries courts are required to render a decision within 30 days of receiving a case. The same applies

²⁸ Radbruch, “*Legal Philosophy*,” *Dalam The Legal Philosophies of Lask, Radbruch, and Dabin*, Ed. Kurt Wilk. 1950. Harvard University Press.

²⁹ Usman and Najemi, “*Mediasi Penal Di Indonesia : Keadilan, Kemanfaatan, Dan Kepastian Hukumnya.*”, 2018, Undang: Jurnal Hukum, Vol. 1 No.1, hlm. 65-83

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to industrial relations disputes (PHI), in which judges must issue a ruling within a maximum of 50 working days from the first hearing. This discrepancy indicates that while some areas of the law have legislative policies emphasizing the expedited resolution of cases, criminal cases involving children—which are closely tied to the best interests of the child and the child’s psychological well-being—do not yet have a clear time limit.

Strict time limits are a form of justice for children; this is also stipulated in Law No. 35 of 2014 on Child Protection, Article 46, which states that there is special protection for children in conflict with the law, such as humane treatment and judicial proceedings that prioritize the best interests of the child. Therefore, a legal process that drags on for too long may conflict with the principle of child protection, as it has the potential to cause psychological distress in the form of “psychological imprisonment” (psychological confinement due to a prolonged trial process), even if the child is not in custody.

2.2. Legal Certainty

Roscoe Pound states that legal certainty has two meanings: 1) the existence of general rules that enable individuals to know what actions are permitted and what are not; 2) legal security for individuals against government arbitrariness, as general rules allow individuals to know what obligations the state may impose on them or what actions it may take against them.³⁰ Law No. 11 of 2012 on the Juvenile Criminal Justice System sets a time limit of up to 30 days for certain stages of the diversion process; however, it does not directly specify a total time limit for the adjudication of a juvenile case from the time the case is transferred to court until the first-instance decision. Furthermore, it does not address the timeframe in cases where diversion fails or no agreement is reached. This lack of clarity means that the duration of a trial depends on the dynamics of the evidentiary process in court as well as the judge’s discretion in scheduling hearings. Consequently, judges have considerable discretion in managing the course of the trial. This discretion means that judges may determine the schedule for the next hearing, postpone the trial, or extend the evidentiary process if deemed necessary. If there is no clear maximum time limit in the law, the trial process may take longer, thereby creating legal uncertainty for children undergoing the judicial process. Rules regarding the duration of case resolution are not clearly stipulated in the Law, indicating uncertainty regarding the duration of case handling; rules governing case timelines are only found in Circular Letters or Administrative Guidelines issued by the Supreme Court. Since these regulations are not laws, they serve more as administrative guidelines rather than legal provisions that explicitly limit the duration of trials.

The duration of judicial proceedings is part of the principle of due process of law. The criminal justice system in Indonesia adheres to the principle of due process of law; the principle of legality in criminal procedure is enshrined in Law No. 20 of 2025 (the New Criminal Procedure Code). This concept was established to realize a legal system that embodies a sense of justice, legal certainty, and the public interest. Article 3 of the New KUHAP states that the scope of application of this Law is intended to implement criminal judicial procedures within the general court system at all stages of the trial. Therefore, if the judicial process drags on for too long without a clear timeframe, this can create legal uncertainty for the parties involved and conflict with the principle of due process of law. Certainty regarding the duration or time limits of the judicial process (certainty of time) is an essential component of the application of the principle of due process of law. Such certainty is necessary to prevent the enforcement of the law from dragging on indefinitely, which could harm the parties involved. This right to legal certainty is also enshrined in Article 28D(1) of the 1945 Constitution of the Republic of Indonesia, which affirms that every person has the right to recognition, guarantees, protection, and fair legal certainty.

2.3. The Utility of Law

The concept of utility relates to the extent to which the law meets the needs and interests of various parties in society. The law must provide benefits by ensuring social order, welfare, and security, so that the benefits of sound legal regulations can be felt in everyday life. Radbruch recognized that utility is relative, given that each community may have different views on what is considered useful. The law will benefit children if their legal status is promptly clarified, particularly after a judgment becomes final and binding (*inkracht van gewijsde*), so that the child’s rehabilitation, guidance, and social integration can be implemented immediately. Law No. 11 of 2012 also emphasizes that the resolution of cases involving children must prioritize a restorative justice approach aimed at restoring the situation and reintegrating the child into social life. Rehabilitation is an effort to provide protection for the child. Law No. 35 of 2014 affirms that every child has the right to protection and the opportunity for optimal growth and development. In juvenile criminal proceedings, legal certainty is essential so that guidance, rehabilitation,

³⁰ Usman and Najemi, “Mediasi Penal Di Indonesia : Keadilan, Kemanfaatan, Dan Kepastian Hukumnya.” 2018, Undang: Jurnal Hukum, Vol. 1 No.1, hlm. 65-83

and social reintegration programs for children can be implemented promptly. Court proceedings that drag on for too long can hinder the achievement of legal benefits for children because, as long as their legal status remains uncertain, the process of guidance and rehabilitation cannot proceed, and this has the potential to cause psychological stress for children in conflict with the law, as they are placed in a situation of prolonged uncertainty even if they are not in custody. Therefore, expediting the resolution of juvenile cases is crucial so that the objectives of the juvenile criminal justice system—namely, rehabilitation and social reintegration—can be swiftly realized, ensuring that the judicial process not only produces a verdict but also provides tangible benefits for the child’s future development.

3. Implications of Time Limits on the Juvenile Justice System

The establishment of time limits in the juvenile criminal justice system, particularly after diversion has failed or no agreement has been reached, may have long-term implications for the juvenile justice system. From the perspective of case handling efficiency, the existence of clear time limits can prevent cases from dragging on, which would hinder the goal of the child’s rehabilitation. Perma 1 of 2024 also does not provide clear details regarding restorative justice for children who do not succeed in diversion. Diversion is carried out based on the principles of restorative justice. The Regulation states that resolving cases through restorative justice requires additional time, especially if reconciliation has not yet been achieved and the victim’s presence is still required. Meanwhile, Article 17(2) stipulates that the restorative justice process must still take into account the time limits for the defendant’s detention and the timeframe for case resolution.

This is also consistent with the perspective of ensuring legal protection for children; by setting time limits, it ensures that children are not left in legal uncertainty for too long. The certainty of time limits will protect children’s rights and prioritize their best interests. The juvenile justice system was established not only to enforce the law but also to ensure the well-being and development of children. The juvenile justice system is designed to minimize the psychological and social impacts resulting from prolonged legal proceedings. Furthermore, the establishment of clear time limits can prevent the abuse of power that may occur among law enforcement officials. Strict time standards reduce the scope for arbitrary actions, enhance transparency, and strengthen institutional accountability. Clear time limits foster a disciplined and professional legal culture, thereby supporting policies aligned with the four main pillars of the juvenile criminal justice system: the principle of non-discrimination, ensuring all children have equal rights regardless of background; the priority of the child’s best interests in every decision; the protection of the rights to life, survival, and development, encompassing health, education, and overall well-being; and respecting the child’s voice by involving them in relevant decision-making processes.

B. Policy on the formulation of ideal criminal law (*ius constituendum*) regarding the regulation of time limits for the investigation of criminal cases involving children, with a view to achieving justice and legal certainty

Law No. 11 of 2012 on the Juvenile Criminal Justice System does not yet establish a time limit that directly regulates the duration of juvenile case proceedings in court, particularly for children who are not in custody. The absence of a clear time limit has the potential to create uncertainty, thereby granting judges excessive discretion in determining the duration of proceedings. This situation can lead to protracted court proceedings, which ultimately runs counter to the principle of legal certainty.

Certainty regarding the duration of court proceedings is an essential component of the guarantee of a fair trial, as proceedings that drag on indefinitely without a clear time limit can create legal uncertainty and psychological stress for children involved in the judicial process. In light of these considerations, it is necessary to establish more specific guidelines regarding time limits for the adjudication of juvenile criminal cases in court. Such guidelines could be proposed as follows:

Article...

- 1) A judge must render a decision in a juvenile criminal case no later than 60 (sixty) days from the first hearing, whether the child is in custody or not.
- 2) In the event that the judge deems additional examination necessary to complete the evidence, such additional examination may only be conducted within a period of no later than 30 (thirty) days from the expiration of the period referred to in paragraph (1).
- 3) If, within the time periods referred to in paragraphs (1) and (2), the judge has not rendered a verdict, the presiding judge of the court is obligated to conduct oversight and issue an order to expedite the resolution of the case.

- 4) A violation of the time limits referred to in paragraphs (1) and (2) does not result in the judgment being null and void, but may serve as grounds for administrative sanctions against the judge in accordance with the provisions of laws and regulations regarding judicial oversight

The formulation of this provision aims to ensure that the adjudication of juvenile criminal cases does not drag on indefinitely, thereby ensuring legal certainty for the child. Furthermore, procedural sanctions are necessary; regulations regarding these consequences are important so that the time-limit provision is not merely declaratory but has the power to encourage compliance in its implementation. However, in juvenile criminal proceedings, the sanctions imposed should not result in a judgment being null and void, as this could harm the interests of the parties and create greater legal uncertainty. Administrative sanctions are considered appropriate in cases of delays without justifiable cause.

CONCLUSION

Conclusion

1. The Urgency of Establishing Time Limits for the Review of Rejected and Non-Rejected Diversion Cases Based on the Theory of the Purpose of Law

The establishment of time limits in the resolution of juvenile criminal cases is a critical factor in the juvenile criminal justice system, as it is directly linked to the protection of children's rights and legal certainty. Law No. 11 of 2012 states that restorative justice is the primary principle in the juvenile criminal justice system. The mechanism applied under restorative justice is diversion, and this diversion process must be pursued at every stage of the juvenile criminal justice proceedings. The outcomes of diversion include reaching an agreement and failing to reach an agreement. The issue that needs to be addressed is that if diversion does not result in an agreement, the case will proceed to trial, a process that in practice often takes significantly longer. Once a case proceeds to trial, the law governing it is Law No. 20 of 2025 (the New Criminal Procedure Code), which provides for the possibility of additional stages in the resolution of juvenile criminal cases through the Restorative Justice Mechanism.

SEMA No. 2 of 2014 is a regulation aimed at accelerating the resolution of court cases by setting time limits for case processing in court. The regulation aims to prevent protracted trial delays and provide legal certainty. In reality, in juvenile criminal cases, the existence of these guidelines should serve as a crucial tool to ensure that the judicial process does not drag on for too long; however, weaknesses have been identified in the regulation. SEMA No. 2 of 2014 has a weakness when applied to juvenile criminal cases regarding the acceleration of case resolution; the regulation does not specifically outline the mechanisms that must be followed when the trial process requires additional stages, such as diversion efforts that require their own time. Therefore, regulations establishing time limits for the resolution of juvenile cases are necessary to provide legal certainty for children involved in such cases.

As explained above, there is a need to harmonize regulations between the Juvenile Criminal Justice System, the New Criminal Procedure Code, and the Judicial Administration Guidelines so that the time limits for resolving juvenile criminal cases are clearer and can ensure a swift and fair judicial process that continues to prioritize the best interests of the child.

2. Policy on the formulation of ideal criminal law (*ius constituendum*) regarding the regulation of time limits for the trial of juvenile criminal cases in order to achieve justice and legal certainty

To date, the Juvenile Criminal Justice System has not explicitly regulated time limits for the trial of juvenile cases, particularly for children who are not in custody. This situation has the potential to create legal uncertainty because it grants judges excessive discretion in determining the duration of the trial process, which can lead to prolonged proceedings. From the perspective of due process of law, the duration of the trial process—or certainty of time—is a crucial element of a fair judicial process. A judicial process that lasts too long and has no time limits will create legal uncertainty and cause psychological stress for the child undergoing trial. Therefore, an ideal formulation of criminal law (*ius constituendum*) is needed, specifically in the form of more concrete regulations addressing the time limits for the trial of juvenile criminal cases in court.

Proposals that can be made through normative studies include requiring judges to issue a verdict no later than 60 days after the first hearing, and allowing for an additional 30-day period for further investigation if necessary to complete the presentation of evidence. Furthermore, if these deadlines are violated, the consequences would include administrative sanctions against the judge and oversight by the court president to ensure the expedited resolution of cases. Through these clear time limits and a monitoring mechanism accompanied by administrative sanctions, it is hoped that the process of examining juvenile criminal cases can proceed more effectively without dragging on, and be able to realize justice and legal certainty while still taking into account the best interests of the child.

Recommendations

1. Recommendations to the Supreme Court of the Republic of Indonesia

The Supreme Court of the Republic of Indonesia needs to formulate more detailed provisions regarding the time limits for the examination of juvenile criminal cases, both in cases where diversion results in an agreement and when diversion fails, because in judicial practice there are still differences in the duration of case resolution that have the potential to create legal uncertainty and simultaneously impact the psychological condition of children undergoing legal proceedings; thus, in order to maintain a balance between legal certainty, restorative justice, and the protection of children's rights, operational and uniform technical guidelines are required that can be applied throughout the judicial system; their implementation can be realized through the drafting of implementing regulations to strengthen Supreme Court Regulation No. 1 of 2024, which includes standard case classifications, timeframes, and a system of periodic monitoring and evaluation.

2. Recommendations for Law Enforcement Officials

Law enforcement officials within the juvenile criminal justice system—including investigators, prosecutors, judges, and social workers—should ensure that the quality of diversion implementation is comprehensively improved through strengthened coordination and a thorough understanding of the restorative justice approach. This is because delays in the process are often caused by suboptimal facilitation of deliberations and differing perspectives among officials. Therefore, to ensure the process runs effectively and remains child-centered, integrated training, the development of collaborative work standards, and performance evaluation mechanisms grounded in child protection principles—as affirmed in Law No. 11 of 2012—are necessary.

3. Recommendations for Child Protection Agencies

Psychosocial support for children in conflict with the law must be strengthened throughout the diversion process, as the prolonged duration of case resolution can affect the child's emotional stability, educational continuity, and social relationships. Therefore, to ensure that protection is not merely procedural but also substantive, it is necessary to provide family counseling and support services as well as social reintegration programs that are integrated with the stages of the legal process so that the child remains in a supportive environment while the case is being resolved.

4. Recommendations for the Public

Active involvement in the diversion deliberation process must be further enhanced, as the success of the restorative approach is largely determined by the participation of all parties in reaching a fair and constructive agreement. To achieve this, continuous legal outreach is needed, along with education regarding the goals and benefits of restorative justice, as well as guidance from facilitators capable of bridging communication between parties so that case resolutions truly reflect the best interests of the child while also satisfying the sense of justice for the victim and their social environment.

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