



client Alert

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LEGAL REMEDIES IN CRIMINAL PROCEEDINGS

READ TIME
🕒 12 MINS

PUBLISHED DATE
📅 11 September 2026

Legal Remedies in Criminal Proceedings

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In connection with the enactment of the Law of the Republic of Indonesia No. 20 of 2025 regarding the Criminal Procedure Code (“**Criminal Procedure Code**”), on 19 August 2026, the Supreme Court of the Republic of Indonesia (“**Supreme Court**”) issued Supreme Court Circular Letter No. 4 of 2026 regarding the Guidelines for Legal Remedies against Judgments of Acquittal (*Putusan Bebas*), Judgments of Release (*Putusan Lepas*), and Appeals, and for Appeals and Cassation that Do Not Meet Formal Requirements (“**Supreme Court Circular Letter**”).

The Supreme Court Circular Letter was issued to further regulate the legal remedies available against certain judgments, the time limits for filing legal remedies and submitting appeal and cassation memoranda, and the mechanism for handling legal remedies that Do Not Meet Formal Requirements (“**Formal Non-Compliance**”).

Several key provisions under the Supreme Court Circular Letter are summarized below:

1. Judgment of Acquittal

A judgment of acquittal is a judgment rendered when the judge determines that the criminal offense charged against the defendant has not been proven in a lawful and conclusive manner. Under such judgment, the defendant is acquitted of the charges brought against them.

In this regard, the Supreme Court Circular Letter stipulates that a judgment of acquittal is not subject to appeal or cassation, whether filed by the defendant, their counsel, or the public prosecutor.

2. Judgement of Release and Detention Status

A judgment of release is a judgment rendered where the act charged against the defendant has been proven, but the defendant may not be held criminally liable for such act due to the existence of a ground for excluding criminal liability. Under such judgment, the defendant is released from all criminal liability in respect of the act charged.

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In this regard, the Supreme Court Circular Letter stipulates that, where a detained defendant is subject to a judgment of release, the operative part of the judgment must include an order for the defendant to be released from detention upon the pronouncement of the judgment. However, if the public prosecutor files an appeal, the authority to determine the defendant's subsequent detention shall rest with the high court.

3. Time Limits for Filing Legal Remedies

In addition to regulating legal remedies against judgments of acquittal and judgments of release, the Supreme Court Circular Letter also emphasizes several time limits that must be observed in filing legal remedies and submitting appeal and cassation memoranda, as follows:

- a. Appeal: may be filed by the defendant, their counsel, or the public prosecutor no later than 7 (seven) calendar days from the date on which the judgment is rendered. If the defendant is not present at the hearing, such period shall be calculated from the date on which the judgment is notified to the defendant.
- b. Appeal Memorandum: constitutes a document setting out the grounds or basis for filing an appeal. Where the defendant files an appeal, the defendant may submit an appeal memorandum, whereas the public prosecutor is required to submit an appeal memorandum when filing an appeal. The appeal memorandum must be submitted no later than 7 (seven) calendar days after the appeal is filed. If such period has lapsed and the public prosecutor, as the appellant, fails to submit an appeal memorandum, the appeal shall lapse.
- c. Cassation: may be filed by the defendant, their counsel, or the public prosecutor no later than 14 (fourteen) calendar days from the date on which the judgment is pronounced in an open court hearing. If the defendant is not present at the hearing, such period shall be calculated from the date on which the judgment is notified to the defendant.

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- d. Cassation Memorandum: constitutes a document setting out the grounds or basis for filing a cassation and must be submitted no later than 14 (fourteen) calendar days after the cassation is filed. If the cassation memorandum is not submitted or is submitted after the prescribed period, the right to file a cassation shall lapse.

4. Legal Remedies Involving Formal Non-Compliance

Formal Non-Compliance refers to a situation where an application for a legal remedy does not satisfy the prescribed formal requirements, such that the relevant legal remedy cannot proceed to the subsequent stage of examination.

As described in sections 1 through 3 above, several circumstances may result in an application for a legal remedy being classified as involving Formal Non-Compliance, including:

- a. an appeal against a judgment of acquittal;
- b. an appeal filed by the public prosecutor without an appeal memorandum being submitted within the prescribed period;
- c. a cassation against a judgment of acquittal, a cassation filed after the prescribed time limit, or a cassation filed without a cassation memorandum within the prescribed period;

Where an appeal or cassation falls within the foregoing Formal Non-Compliance categories, the clerk of the district court shall issue a statement confirming that the relevant application involves Formal Non-Compliance. Based on such statement, the chairperson of the district court shall issue a determination (*penetapan*) declaring the relevant appeal or cassation to involve Formal Non-Compliance and therefore inadmissible. Such determination by the chairperson of the district court shall not be subject to any legal remedy, including opposition, objection, appeal, cassation, or judicial review.

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Conclusion

The Supreme Court Circular Letter provides further guidance on the filing and handling of legal remedies in criminal proceedings under the Criminal Procedure Code, including the types of legal remedies that may be filed, the time limits for filing legal remedies and submitting the relevant memoranda, and the handling of applications involving Formal Non-Compliance.

This Client Alert is provided for general information purposes only and does not constitute legal advice. Please contact us should you require further information or assistance regarding the Supreme Court Circular Letter or related matters.

For further information regarding the above Client Alert and future updates, please contact our counselors at:

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