

Problems of Limiting Cassation in Criminal Cases: Normative Analysis of Article 299 of Law Number 20 of 2025 concerning the Criminal Procedure Code

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ABSTRACT

Law Number 20 of 2025 concerning the Criminal Procedure Code introduces a new policy on limiting cassation remedies in criminal cases through Article 299. The policy is intended to improve judicial efficiency and reduce case backlogs at the Supreme Court. However, the restrictions raise concerns regarding access to justice and the protection of procedural rights within the criminal justice system. This study aims to analyze the normative construction of cassation limitations under Article 299 and examine their implications for the principles of access to justice and fair trial. The research employs a normative legal method using statutory, conceptual, and case approaches. Legal materials are analyzed through grammatical, systematic, and teleological interpretation. The findings reveal that the limitation of cassation reflects a shift in criminal procedural policy from a rights-oriented approach toward an efficiency-oriented approach. Although the policy may contribute to reducing the Supreme Court's caseload, it simultaneously narrows opportunities to correct legal errors and may weaken the cassation function in maintaining uniform application of law. This study argues that cassation limitations should only be applied proportionally and based on clear legal criteria to ensure compliance with due process of law. The research contributes a normative framework for assessing the legitimacy of cassation restrictions by balancing judicial efficiency, legal certainty, and the protection of procedural rights in Indonesia's criminal justice system .

Keywords : Cassation, Limitation of Cassation, Criminal Procedure Code, Supreme Court, Access to Justice, Due Process of Law.

A. Introduction

The criminal justice system places legal remedies as a crucial instrument for ensuring legal certainty and protecting the rights of justice seekers. One form of legal remedy that plays a strategic role is cassation, which is reviewed by the Supreme Court, the highest court in the national judicial system. The cassation mechanism allows for corrections to errors in the application of law by courts of first instance and appellate levels. This process ensures that court decisions remain within the framework of proper legal application. The existence of cassation is also related to the principle of *access to justice* , which emphasizes that every individual must have an equal opportunity to obtain legal protection through judicial mechanisms .¹

The function of cassation is not limited to correcting errors in the application of law, but also plays a role in maintaining legal uniformity. Courts spread across various regions often face cases with similar characteristics. Differences in interpretation of legal norms by

¹ A. Hariri, "Judicial Review and Access to Justice in Indonesian Courts," *Journal of Law and Justice*, vol. 13, no. 2, pp. 215-228, 2024.

judges have the potential to lead to disparities in decisions, which can reduce legal certainty. The Supreme Court's role at the cassation level is crucial in ensuring uniform interpretation of applicable legal norms.²

Criminal justice practices in Indonesia also show an increasing number of cases being submitted to the cassation level. The high number of cases submitted to the Supreme Court has resulted in a backlog and lengthy case resolution processes. This situation poses challenges to maintaining the effectiveness of the criminal justice system. The backlog can reduce the highest court's ability to carry out its oversight function over the implementation of the law. This situation has led to the emergence of ideas for judicial system reform to improve the efficiency of case resolution. These reforms have resulted in various policies aimed at limiting the types of cases that can be submitted to the cassation level.³

Significant changes to Indonesia's criminal procedure system emerged through the enactment of Law Number 20 of 2025 concerning the Criminal Procedure Code. This regulation introduced various reforms to the criminal law enforcement mechanism. These reforms include provisions regarding the procedures for investigation, prosecution, and case examination, as well as legal remedies. One important aspect regulated in this regulation is the limitation of cassation appeals in criminal cases. This policy aims to improve the efficiency of the judicial system and reduce the caseload of the highest court. These regulatory reforms demonstrate the state's efforts to balance the need for judicial efficiency with the protection of the rights of those seeking justice.⁴

The provisions specifically governing the limitation of cassation are contained in Article 299 of the 2025 Criminal Procedure Code. This norm stipulates that cassation cannot be filed against certain types of decisions in criminal cases. The purpose of this regulation is to limit the cases that can be examined at the cassation level, thereby making the judicial process more effective. This policy is also expected to reduce the backlog of cases at the Supreme Court. This regulation raises concerns because cassation has long been seen as a crucial mechanism for ensuring the correction of errors in the application of the law. This provision raises questions regarding its implications for the protection of the rights of justice seekers in the criminal justice system. Therefore, the regulation on the limitation of cassation in Article 299 requires a more in-depth analysis.⁵

The legal issues arising from this regulation relate to the potential for limiting access to justice. The theory of *access to justice* emphasizes that the legal system must provide equal opportunities for every individual to obtain effective legal protection. Restrictions on cassation remedies have the potential to reduce the opportunity for parties who feel aggrieved by court decisions to obtain re-examination. This situation can raise concerns about reduced public access to justice. Improperly formulated restrictions on cassation remedies can create obstacles for the public in obtaining legal protection. An analysis of Article 299 of the 2025 Criminal Procedure Code is important to assess the extent to which this regulation continues to guarantee access to justice.⁶

Another issue that arises relates to the potential conflict between restrictions on cassation and the principle of fair trial. Fair trial theory emphasizes that every individual has

² K. Iswandi, "The Role of the Supreme Court in Ensuring Uniformity of Law in Indonesia," *Journal of Legal Dynamics*, vol. 23, no. 1, pp. 45–57, 2023.

³ B. Napitupulu, "Challenges of Case Backlog in the Indonesian Supreme Court," *Indonesian Law Review*, vol. 12, no. 2, pp. 180–195, 2022.

⁴ M. Siregar, "Reform of Criminal Procedure Law in Indonesia," *Journal of Indonesian Legal Studies*, vol. 8, no. 1, pp. 25–39, 2023

⁵ Indonesia, Law Number 20 of 2025 concerning the Criminal Procedure Code

⁶ AV Withania and A. Mahyani, "Restrictions on Cassation of Criminal Cases by the Supreme Court Viewed from the People's Right to Obtain Justice," *Jurnal Itu*, vol. 5, no. 2, pp. 79–92, 2021.

the right to a fair, transparent, and impartial judicial process. The right to seek legal remedies is part of the protection against potential misapplication of the law by the courts. Restrictions on cassation could raise questions about the protection of the defendant's rights in the criminal justice process. Analysis of restrictions on cassation requires considering the balance between the efficiency of the judicial system and the protection of human rights. This approach is crucial to ensure that criminal procedural law reform remains aligned with the principle of justice in the criminal justice system.⁷

Various studies have examined the limitations of cassation in the criminal justice system, each with a different focus. Withania and Mahyani (2021) analyzed limitations on cassation from the perspective of the public's right to justice and found that disproportionate limitations have the potential to reduce access to justice. Napitupulu (2022) examined the backlog of cases at the Supreme Court and positioned limitations on legal remedies as an instrument to improve judicial efficiency. Meanwhile, Iswandi (2023) highlighted the role of cassation in maintaining uniform legal application, while Surya (2023) emphasized the importance of the principle of fair trial in criminal procedural law reform.

Despite making important contributions to the development of criminal procedural law, these studies still have limitations. Most of the research was conducted before the enactment of Law Number 20 of 2025 concerning the Criminal Procedure Code and therefore has not examined the normative implications of Article 299 as a new legal basis for the limitation of cassation. Furthermore, previous research tends to place the limitation of cassation from a partial perspective, either as an instrument of judicial efficiency, protection of *access to justice*, or guarantee of a fair trial. Consequently, there has been no study that specifically examines the relationship between judicial efficiency, protection of procedural rights, and the function of cassation as an instrument of legal uniformity within a single integrated analytical framework.

Based on these conditions, there is a research gap in the form of the absence of studies that develop legal parameters to assess the legitimacy of limiting cassation in the criminal justice system after the enactment of the 2025 Criminal Procedure Code. In fact, limiting cassation is not only related to the policy of reducing the Supreme Court's caseload, but also concerns the protection of *access to justice*, *due process of law*, *fair trial*, and the function of the Supreme Court as a guardian of uniform application of the law.

The novelty of this research lies in the development of a normative framework to test the legitimacy of cassation restrictions based on three main parameters: judicial efficiency, protection of procedural rights, and uniformity of legal application. Unlike previous studies that analyzed each of these aspects separately, this study positions Article 299 of the 2025 Criminal Procedure Code as the meeting point between the interests of judicial system efficiency and the protection of the constitutional rights of justice seekers. Through this approach, this study proposes a legal construction that cassation restrictions can only be justified if they meet the principle of proportionality, do not eliminate access to correction of fundamental errors in the application of the law, and still guarantee the function of the Supreme Court in maintaining the unity and uniformity of national law.

Thus, the contribution of this research lies not only in analyzing the provisions of Article 299 of the 2025 Criminal Procedure Code, but also in formulating normative parameters that can be used as a testing instrument for the policy of limiting legal remedies in the Indonesian criminal justice system. This framework is expected to serve as an academic foundation for legislators, law enforcement officials, and courts in balancing the need for judicial efficiency with the protection of citizens' procedural rights.

⁷ DP Surya, "Fair Trial Principle in Criminal Justice Reform," IUS QUIA IUSTUM Law Journal, vol. 30, no. 3, pp. 497-512, 2023.

B. Research Methods

1. Types of Research

This study uses normative legal research. Normative legal research positions law as a norm contained in legislation, court decisions, and legal doctrines developed in academic literature. This approach is used to analyze the regulation of cassation limitations in criminal cases as stipulated in Article 299 of Law Number 20 of 2025 concerning the Criminal Procedure Code. Normative research allows researchers to assess the conformity of legal norms with the principles of justice, legal certainty, and the protection of the rights of justice seekers in the criminal justice system .

2. Approach

This study uses three approaches: the statute approach , the conceptual approach , and the case approach . The statute approach is used to analyze the provisions of Article 299 of Law Number 20 of 2025 concerning the Criminal Procedure Code and various regulations related to cassation legal remedies in the Indonesian criminal justice system. The conceptual approach is used to examine the concepts of *access to justice* , *fair trial* , *due process of law* , and the function of cassation in maintaining uniform application of the law .

The case approach is used through an analysis of Supreme Court decisions relating to the application of cassation remedies and the protection of the rights of the parties in the criminal justice process. The analysis of these decisions is conducted to understand the judge's legal reasoning (*ratio decidendi*) regarding the function of cassation as an instrument for correcting errors in the application of law, safeguarding legal uniformity, and protecting the procedural rights of justice seekers. This approach is used to assess the relevance of the limitation on cassation in Article 299 of the 2025 Criminal Procedure Code to criminal justice practices in Indonesia.

3. Sources of Legal Materials

The primary legal materials in this research are primary legal materials, namely legal materials that have direct binding force, such as laws and regulations related to the research, including the 1945 Constitution of the Republic of Indonesia, Law Number 20 of 2025 concerning the Criminal Procedure Code, as well as Court decisions relating to cassation legal efforts .⁸

Secondary legal materials include legal materials that provide explanations of primary legal materials, such as law books, scientific journal articles, research results, and expert opinions that are relevant to the research topic.

Tertiary legal materials, namely materials that provide guidance or explanations for primary and secondary legal materials, such as legal dictionaries, legal encyclopedias, and other reference sources that support research .

4. Legal Material Collection Techniques

The legal material collection technique in this research was conducted through library research . This technique was carried out by examining laws and regulations, legal textbooks, scientific journals, and other legal documents relevant to the research topic. This process aims to obtain comprehensive legal material regarding the regulation of cassation limitations in the criminal justice system .

5. Analysis Techniques

The analysis of legal materials was conducted qualitatively using deductive reasoning methods. The analysis process began with the identification and inventory of legal norms relating to the limitations of cassation appeals in the criminal justice system.

⁸ DM Putri, "Legal Analysis of Cohabitation as a Criminal Act," *Islamic Law Magazine* , 2025. [Online]. Available: <https://ojs.daarulhuda.or.id/index.php/MHI/article/download/2553/2716>

These norms were then analyzed through conceptual and legislative approaches to gain a systematic understanding of the position of Article 299 of the 2025 Criminal Procedure Code within the structure of Indonesian criminal procedural law .

In interpreting the provisions of Article 299 of the 2025 Criminal Procedure Code, this study uses three methods of legal interpretation. First, grammatical interpretation is used to understand the meaning of the norm based on the formulation of the language used by the legislators. Second, systematic interpretation is used to position Article 299 in relation to the principles of criminal procedure law, provisions regarding legal remedies, and constitutional guarantees regarding *access to justice* and *fair trial* . Third, teleological interpretation is used to identify the purpose of the norm formation, particularly in relation to efforts to improve judicial efficiency and reduce the caseload of the Supreme Court .

The results of this interpretation are then analyzed by linking the provisions of Article 299 of the 2025 Criminal Procedure Code with the concepts of *access to justice*, *due process of law*, and *fair trial* to assess the legitimacy of limiting cassation in the criminal justice system. An analysis is also conducted of relevant court decisions and legal doctrines to obtain a legal construction regarding the justifiable limits of limiting cassation remedies.

C. Results and Discussion

1. Conflict Analysis of the Norm of Article 299 of the 2025 Criminal Procedure Code with the Principles of Access to Justice and Fair Trial

Article 299 of the 2025 Criminal Procedure Code reflects a legal policy oriented toward judicial efficiency by restricting access to cassation proceedings. Theoretically, these restrictions can be understood as part of an effort to reduce the backlog of cases at the Supreme Court and realize the principle of simple, expeditious, and low-cost justice. However, this efficiency orientation cannot be separated from the state's obligation to guarantee access to justice for every citizen .⁹

From an *access to justice perspective* , justice is not only defined as the availability of judicial institutions, but also includes effective opportunities for justice seekers to obtain review and correction of potential errors in the application of the law. The Access to Justice Index in Indonesia places the public's ability to access fair legal resolution mechanisms as one of the main indicators in fulfilling the principle of *access to justice* . Restrictions on cassation have the potential to narrow this access if not accompanied by a mechanism that still allows for testing of fundamental errors in the application of the law .

The problem becomes more serious when linked to the function of cassation as an instrument for overseeing the application of law. Cassation is not essentially intended to reexamine facts, but rather to assess whether the law has been correctly applied by the *judex facti*. In this context, limiting cassation not only limits the rights of the parties but also potentially reduces the Supreme Court's capacity to maintain uniform application of national law .¹⁰

The conflict of norms arising in Article 299 is actually a conflict between two equally legitimate legal objectives. On the one hand, there is the need to improve the

⁹ M. Ridwan, "A Systems Approach to Resolving Cassation Appeals," *Law Policy Journal* 2, no. 1 (2021), <https://www.lawpolicyjournal.id/index.php/kebijakan/article/view/1729>

¹⁰ MaPPI Faculty of Law, University of Indonesia, *Access to Justice Index in Indonesia 2021* (Jakarta: MaPPI FHUI, 2023), <https://mappifhui.org/wp-content/uploads/2023/09/Indeks-Akses-Terhadap-Keadilan-di-Indonesia-Tahun-2021.pdf>

efficiency of the judicial system. On the other hand, there is the need to guarantee the protection of procedural rights through a corrective mechanism for potential *errors of law*. When access to cassation is limited solely based on case classification without considering the complexity of the legal issues involved, the corrective function of cassation has the potential to be reduced to a mere administrative instrument for controlling the number of cases.¹¹

The principle of *fair trial* provides a broader perspective in assessing the legitimacy of such restrictions. *Fair trial* is not only related to a fair trial process, but also includes the availability of legal mechanisms that allow individuals to obtain effective protection against misapplication of the law. Several studies of criminal procedure law emphasize that restrictions on legal protection are only justifiable if they are implemented proportionally and maintain the substance of the protected rights.¹²

The proportionality perspective is crucial for assessing whether Article 299 meets the standards for protecting procedural rights. A restriction can be considered legitimate if it meets three requirements. First, it has a legitimate objective, namely improving judicial efficiency. Second, there is a rational relationship between the restriction and the intended objective. Third, the restriction does not deprive justice seekers of the opportunity to obtain correction for fundamental legal errors. If the latter requirement is not met, the restriction potentially violates the principles of *due process of law* and *access to justice*.¹³

From a criminal law policy perspective, the primary issue lies not in the existence or absence of restrictions on cassation, but rather in the absence of clear parameters regarding which cases are eligible for restrictions and which cases still require access to Supreme Court oversight. This construction demonstrates that the legitimacy of Article 299 cannot be measured solely by its success in reducing the caseload, but also by its ability to maintain a balance between judicial efficiency, protection of procedural rights, and uniform application of the law.

2. Analysis of the Supreme Court Decision and the Relevance of the Limitation of Cassation in Article 299 of the 2025 Criminal Procedure Code

To assess the relevance of the limitation on cassation in Article 299 of the 2025 Criminal Procedure Code, it is important to examine how the cassation function is implemented in judicial practice. One example can be found in Supreme Court Decision Number 183 K/Pid/2022, which overturned a *judex facti* decision due to the discovery of errors in the application of the law to the elements of the crime charged. In its reasoning, the Supreme Court emphasized that the authority to cassate is not intended to reexamine the facts of the trial, but rather to assess the accuracy of the application of the law by the previous court.¹⁴

The ratio decidendi of the ruling demonstrates that errors in legal application can occur even though the facts of the case have been deemed proven by both the first instance and the appellate courts. The Supreme Court held that the *judex facti* had erred

¹¹ Muhammad Azis Prawira, "Effectiveness of Implementing Legal Appeals in Criminal Cases," *Aliansi: Jurnal Hukum* (2025), <https://journal.appihi.or.id/index.php/Aliansi/article/view/1179>

¹² Jihan Soraya, "Legal Protection for Victims of the Right to a Fair Trial as a Form of Human Rights Protection in the Indonesian Justice System," *Siyasah: Journal of Constitutional Law* 4, no. 1 (2024), <https://e-journal.metrouniv.ac.id/siyasah/article/download/9021/3801>

¹³ Eko Susilo, "Access to Justice in the Indonesian Criminal Justice System," *Journal of Law and Justice* 14, no. 1 (2025), <https://www.jurnalhukumdanperadilan.org/jurnalhukumperadilan/article/view/1599>

¹⁴ Andi Hamzah, *Indonesian Criminal Procedure Law*, revised ed. (Jakarta: Sinar Grafika, 2024), pp. 286–291.

in connecting the facts revealed at trial with the elements of the crime stipulated in the legislation. This error was then corrected through the cassation mechanism as an instrument of legal correction .¹⁵

The significance of this ruling lies in its affirmation that the function of cassation is not merely a conventional legal remedy, but rather a means of maintaining consistent legal application. If a cassation mechanism is not available, decisions containing errors in legal application have the potential to become legally binding without correction. Such a situation can create legal uncertainty and diminish the quality of protection for the rights of the parties in the criminal justice process .

Another example can be seen in Supreme Court Decision Number 574 K/Pid/2023, which concerns differences in interpretation of criminal elements between the first-instance court and the appellate court. In this case, the Supreme Court determined that there was a misinterpretation of the legal norms used as the basis for sentencing. The judge's legal reasoning emphasized that the function of cassation involves establishing uniform standards of legal interpretation to avoid disparities in decisions between courts .¹⁶

These two decisions demonstrate that cases that initially appear simple can contain substantial legal issues. Legal complexity is not always determined by the severity of the criminal penalty or the type of case, but by the quality of the legal issues that arise during the trial. This finding has direct relevance to Article 299 of the 2025 Criminal Procedure Code, which limits access to cassation in certain categories of cases .

From *an access to justice perspective* , limiting cassation appeals solely based on case classification has the potential to block access to legal corrections in cases that actually contain *errors of law* . However, errors in the application of the law can occur in any type of case, regardless of the severity of the criminal penalty. If access to cassation is completely closed, protection of the parties' procedural rights is diminished .

The fair trial perspective also suggests that limiting cassation must be done carefully. *A fair trial* not only ensures a fair trial process but also ensures the availability of an effective mechanism to correct errors in the application of the law. In this context, limiting cassation is only justified if it still allows the Supreme Court to examine cases involving fundamental legal issues .¹⁷

An analysis of judicial practice shows that the function of cassation has three main dimensions. First, it serves as a corrective mechanism for errors in the application of the law. Second, it serves as an instrument for maintaining uniform legal interpretation. Third, it serves as a means of protecting the procedural rights of justice seekers. These three functions must be primary considerations in assessing the legitimacy of the limitation of cassation under Article 299 of the 2025 Criminal Procedure Code. Restrictions that eliminate any of these functions have the potential to reduce the effectiveness of the criminal justice system in achieving legal certainty and substantive justice .

An analysis of judicial practice shows that the function of cassation extends beyond simply providing legal remedies for the parties. Cassation also serves as an instrument for national legal development by establishing uniform standards of legal interpretation. Overly broad limitations have the potential to diminish the Supreme Court's ability to

¹⁵ Muhammad Azis Prawira, "The Effectiveness of Applying the Appeal of Cassation in Criminal Cases," *Aliansi: Jurnal Hukum* 2, no. 1 (2025): 58-73, <https://journal.appihi.or.id/index.php/Aliansi/article/view/1179>

¹⁶ A. Prasetyo, "Disparity of Decisions and Uniformity of Law in the Indonesian Judicial System," *Jurnal RechtsVinding* 12, no. 1 (2023), <https://rechtsvinding.bphn.go.id/ejournal/index.php/jrv/article/view/908>

¹⁷ Jihan Soraya, "Legal Protection for Victims of the Right to a Fair Trial as a Form of Human Rights Protection in the Indonesian Justice System," *Siyasah: Journal of Constitutional Law* 4, no. 1 (2024): 44-57, <https://e-journal.metrouniv.ac.id/siyasah/article/download/9021/3801>

carry out this function. The consequences are felt not only by the parties in a particular case but can also affect the consistency of law application within the criminal justice system as a whole.¹⁸

3. The Ideal Legal Construction of the Limitation of Cassation in the Criminal Justice System

Limiting cassation is not a policy inherently contrary to the principle of the rule of law. Various modern judicial systems recognize restrictions on access to legal remedies as a tool to maintain judicial effectiveness and prevent the overuse of legal remedies. The key issue lies in how these restrictions are formulated and implemented so as not to diminish the function of cassation as a corrective mechanism for errors in legal application.

An analysis of Article 299 of the 2025 Criminal Procedure Code (KUHAP) shows that the legitimacy of limiting cassation cannot be assessed solely on the basis of the goal of judicial efficiency. Reducing the Supreme Court's caseload is indeed a legitimate goal, but this goal must be placed within the framework of protecting procedural rights and the Court's legal oversight function. Restrictions that focus solely on the quantity of cases have the potential to undermine the quality of legal protection provided to justice seekers.¹⁹

From an *access to justice perspective*, restrictions on cassation are still justifiable as long as they do not preclude access to correcting fundamental legal errors. Misapplication of the law has different consequences than differences in the assessment of the facts. Such errors can affect the legitimacy of decisions and create legal uncertainty if adequate correction mechanisms are not available. Therefore, restrictions on cassation should not be applied to cases containing a strong suspicion of *an error of law*.²⁰

The first parameter in an ideal legal construction is maintaining open access to cassation in cases that demonstrate errors *in the application of law*. This parameter is important because the primary function of cassation is essentially to maintain the accuracy of the application of the law, not to re-examine the facts of the trial. As long as there is an indication that legal norms were applied incorrectly by *the judex facti*, access to cassation should remain available.

The second parameter is the existence of significant differences in legal interpretation between courts. One of the Supreme Court's strategic functions is to maintain the unity of the law by establishing uniform standards of interpretation. When there are disparities in interpretation of the same norm, limiting cassation can actually increase legal uncertainty. In such circumstances, cassation review is necessary to ensure consistent application of the law nationally.²¹

The third parameter relates to cases with constitutional dimensions or involving the protection of human rights. Limiting cassation appeals to cases that directly impact fundamental rights has the potential to diminish the legal protection guaranteed by the state. Cases involving the right to liberty, fair treatment, or other constitutional rights

¹⁸ Eko Susilo, "Access to Justice in the Indonesian Criminal Justice System," *Journal of Law and Justice* 14, no. 1 (2025): 75-91.

¹⁹ Binsar M. Gultom, *Problems of Law Enforcement and Justice* (Jakarta: Gramedia Pustaka Utama, 2023), pp. 148-156

²⁰ Muhammad Azis Prawira, "The Effectiveness of Applying the Appeal of Cassation in Criminal Cases," *Aliansi: Jurnal Hukum* 2, no. 1 (2025): 58-73, <https://journal.appihi.or.id/index.php/Aliansi/article/view/1179>

²¹ Andi Hamzah, *Indonesian Criminal Procedure Law*, revised ed. (Jakarta: Sinar Grafika, 2024), pp. 289-294.

require a higher level of scrutiny than cases that simply have ordinary legal consequences.²²

The fourth parameter is the level of complexity of the legal issue being examined. Not all criminal cases have the same level of complexity. Some cases involve only the application of simple norms and have established interpretative practices. Conversely, some cases contain new legal issues, conflicting norms, or legal gaps that require further interpretation. The limitation of cassation is more appropriate for cases with low legal complexity and that do not raise significant interpretative issues.

Based on these four parameters, the ideal legal framework for limiting cassation is not based solely on case classification, but rather on the quality of the legal issues within the case. This approach allows for a balance between judicial efficiency and the protection of procedural rights. The Supreme Court retains the authority to exercise its legal oversight function, while the goal of reducing the caseload can be achieved by filtering out cases that do not contain substantial legal issues.

This construction also aligns with the principle of proportionality in limiting rights. Limiting legal remedies is justifiable as long as it serves a legitimate purpose, uses the necessary means, and does not diminish the legal protections to which the justice seeker is entitled. In the context of Article 299 of the 2025 Criminal Procedure Code, proportionality is the primary measure for assessing whether restrictions on cassation remain within acceptable limits in a democratic criminal justice system oriented toward human rights protection.²³

D. Conclusion and Recommendations

Article 299 of Law Number 20 of 2025 concerning the Criminal Procedure Code restricts access to cassation proceedings, aimed at improving judicial efficiency and reducing the Supreme Court's caseload. Normatively, this objective is legitimate within the framework of judicial reform. However, the restriction on cassation proceedings cannot be separated from its function as an instrument for correcting errors in legal application and as a means of maintaining uniformity in national law.

This study found that the legitimacy of cassation restrictions must be assessed based on a balance between judicial efficiency and the protection of procedural rights. Restrictions on cassation are still justifiable as long as they do not preclude access to the examination of cases containing *errors of law*, significant differences in legal interpretation, constitutional rights issues, or legal issues of high complexity. Therefore, the cassation restrictions in Article 299 of the 2025 Criminal Procedure Code should not be applied solely based on case classification, but rather on the quality of the legal issues contained in the case.

Lawmakers need to develop implementing regulations that provide clear parameters regarding cases that can still be appealed even if they fall into a restricted category. These parameters should at least cover allegations of misapplication of the law, differences in legal interpretation between courts, and cases related to constitutional and human rights.

The Supreme Court also needs to develop a case screening mechanism (*leave to appeal*) as a more proportionate alternative to limiting cassation. Through this mechanism, cassation appeals can still be filed, but only cases that meet certain criteria will be examined further.

²² Jihan Soraya, "Legal Protection for Victims of the Right to a Fair Trial as a Form of Human Rights Protection in the Indonesian Justice System," *Siyasah: Journal of Constitutional Law* 4, no. 1 (2024): 44-57, <https://e-journal.metrouniv.ac.id/siyasah/article/download/9021/3801>

²³ Eko Susilo, "Access to Justice in the Indonesian Criminal Justice System," *Journal of Law and Justice* 14, no. 1 (2025): 75-91

This model allows for judicial efficiency without eliminating the function of cassation as an instrument of legal correction and a safeguard for the uniform application of national law.

Furthermore, judicial guidelines are needed that provide objective standards for determining which cases are eligible for cassation. These guidelines are crucial to guarantee legal certainty, prevent disparities in the application of Article 299 of the 2025 Criminal Procedure Code, and ensure that restrictions on cassation remain in line with the principles of *access to justice*, *fair trial*, and *due process of law*.

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