



Alternatives For Providing Compensation For The Detention Of A Defendant Whose Case Is Acquitted

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Abstract

The pretrial process creates uncertainty in compensating defendants who are acquitted and have final legal status. This research examines alternatives to pretrial compensation by analyzing criminal law policies. Using normative and sociological juridical approaches, and relying on secondary and primary data from library research and interviews, the research identifies two main alternatives: (1) including compensation within the court decision for damages caused by the criminal act, and (2) providing compensation through Alternative Dispute Resolution (ADR) with court approval. The legal implication is that the state must fulfill its obligation to pay compensation if granted; otherwise, a denial could negatively affect the defendant's social, economic, and human rights.

A. Introductio

This paper examines the legal issues presented by the South Jakarta District Court and two decisions from the Bumi City District Court. While the issues discussed are not novel, they remain unresolved and have not received sufficient scholarly attention. The primary focus is on the compensation rights of defendants who have been acquitted by the court, with decisions that have gained permanent legal force (*inkracht*). Currently, such compensation can only be pursued through pretrial procedures, which creates uncertainty regarding its resolution. To address this issue, four cases will be analyzed to explore potential solutions that align with the principles of humane justice.



The analysis begins with the case of six street performers accused of murdering Dicky Maulana.¹ The defendants, Andro Suprianto and Nurdin Prianto, were tried separately from the other four, namely Fikri Pribadi, Fatahillah, Arga (also known as Ucok), and Pau, as the latter group were minors under the age of 18. In court, it was determined that none of the six individuals were legally and convincingly proven to be the perpetrators of the crime, and the acquittal was granted with permanent legal force.

In 2016, Andro Suprianto and Nurdin Prianto sought compensation through a pretrial hearing, and their request was granted under case number 98/Pid.Prap/2016/PN.Jkt.Sel, resulting in an award of Rp36 million for each individual. This situation becomes particularly compelling when considering that the remaining four defendants sought to file a similar claim following their acquittal, which had gained permanent legal force in 2019, under case number 76/Pid.Pra/2019/PN.Jaksel. However, their application was denied on the grounds that it had been submitted beyond the three-month deadline stipulated in Article 95 of the Criminal Procedure Code, calculated from the date they received the inkraht copy of the court decision.²

Moreover, the initial two decisions issued by the Bumi District Court, registered under numbers 1/Pid.Pra/2019/PN.Kbu and 3/Pid.Pra/2019/PN.Kbu, raise critical legal issues that warrant careful examination. The rejection of the applications in these cases was based on the court's interpretation of Article 95 of the Criminal Procedure Code. The presiding Judge argued that the District Court, having already adjudicated the main case, could not consider the matter in a pretrial context. According to the Judge, the term "post-trial" in this context refers to a scenario in which the primary case has progressed through the judicial process, including appeals, and has been conclusively decided with permanent legal force. Consequently, the Judge concluded that the application for compensation should not be processed through pretrial proceedings, as pretrial jurisdiction applies only before the trial (pre-trial), not after the main case has been adjudicated.

In subsequent deliberations, the Judge considered the procedures followed during the investigation and prosecution, ultimately determining that they were in accordance with the law. As a result, the application for compensation was deemed to lack legal basis and was subsequently rejected. However, this contrasts with the decision in case number 1/Pid.Pra/2019/PN.Kbu, where the court granted the request for compensation following an acquittal with permanent legal force. In this case, the court acknowledged that, despite the lawful arrest, detention, prosecution, and trial, the applicant had suffered actual harm, warranting the approval of their claim for non-material damages amounting to IDR 200,000,000 (two hundred million rupiahs) and material damages of IDR 22,000,000 (twenty-two million rupiahs), to be compensated by the state.

These contrasting decisions highlight a significant legal paradox regarding the rights of individuals who, after being lawfully detained and tried, are acquitted and their cases gain permanent legal force. This raises important questions: If an individual is suspected of a crime, formally charged, and lawfully detained, but is subsequently acquitted in court, is the defendant entitled to compensation? Furthermore, is a pretrial hearing the most effective mechanism for securing compensation for wrongful detention? These issues, as illustrated by the four cases discussed, underscore the need to reassess how the rights of acquitted individuals with legally binding decisions are protected by the state, ensuring that the application of the law remains fair and consistent.

In this research, an initial hypothesis is formulated through a normative juridical approach, combining legal materials with other scholarly research. To address the issues identified, it is

¹ IM Putri, "Compensation for Victims of Wrong Arrest in Criminal Cases: Study of Decision Number 1273/Pid. B/2013/Pn. Jkt. Cell Juncto Assignment Number 98/Pid. Prap/2016/Pn. Jkt. Sel", *LEX CERTA* Vol. 5, no. 1 (2019): 1-20, 8.

² R. Amin, et al, "Compensation Settlement in Criminal Cases Based on Pretrial Decisions: Studies at the South Jakarta District Court", *Sasana Law Journal* Vol. 8, no. 1 (2022): 19-32, 21, DOI: <https://doi.org/10.31599/sasana.v8i1.974>.

anticipated that the criminal justice system will evolve to provide a solution beyond the current reliance on pretrial procedures. This solution will be grounded in the theoretical foundations of the criminal justice system and the principles of criminal law, offering a comprehensive approach that may include reforms within criminal law or the Criminal Procedure Code, as well as considerations from civil law or administrative law.

The research findings suggest a novel approach: judges should proactively determine the amount of compensation that the state must pay to defendants who are acquitted with a decision that has permanent legal force. This would eliminate the need for acquitted defendants to file separate compensation claims. Such alternative mechanisms are necessary to ensure that future criminal law policies continue to protect the rights of acquitted defendants, preventing biases in the compensation process.

Furthermore, the research highlights the need for an accessible and effective system for defendants to seek compensation for wrongful arrests and detentions following a court decision. The current complexity in disbursing compensation funds underscores the importance of improving the system and management of compensation for judicial errors in detention and arrest.

B. Discussion

The Court's legal basis for awarding compensation and rehabilitation is outlined in Article 9 of the Law on Judicial Power,³ which stipulates that any individual who is arrested, detained, prosecuted, or tried without legal justification, or due to an error in identity or the application of the law, is entitled to compensation.⁴ The provisions for compensation are further elaborated in the Criminal Procedure Code.⁵ According to Articles 95 and 96 of the Criminal Procedure Code, decisions regarding compensation can be pursued through a pretrial process. However, many defendants in these compensation cases are hesitant to assert their rights, often because they are not well-versed in legal procedures, especially those whose cases have resulted in acquittal and have gained legal finality (*inkracht*). This lack of legal understanding underscores the need for an alternative mechanism to facilitate access to compensation for these victims.

Government Regulation Number 92 of 2015, which pertains to the Criminal Procedure Code, serves as a derivative regulation of Articles 95 and 96 of the Criminal Procedure Code. This regulation provides further details on the procedures and policies related to compensation. Additional information on the modifications to the compensation policy is summarized in the following Table.

Table 1. Development of compensation policy

No	Government Regulation No. 27 of 1983	Government Regulation Number 92 of 2015
1.	Compensation claims can only be submitted within three (three) months as of the <i>inkracht Court's decision</i> .	Compensation claims must be submitted within three (three) months of obtaining a copy of the <i>inkracht court decision</i> .
2.	Based on a court order, the Minister of Finance shall pay compensation.	Based on the excerpt of the verdict or court decision, the Minister shall pay compensation. Payments have been

³ N. Mumeke, "Rehabilitation and Compensation for Victims of Miscarriage According to the Criminal Procedure Code", *LEX CRIMEN* 10, no. 7 (2021): 47-57, 49.

⁴ Lukman H, Tegar Mukmin Alamsyah Putra Paidjo, and Tegar Mukmin Alamsyah Putra, "Legal Protection for Victims of Miscarriage by the Indonesian Police", *Journal of Law Magnum Opus* Vol. 3, no. 1 (2020): 35-45, 41, DOI: <https://doi.org/10.30996/jhmo.v3i1.2786>.

⁵The results of an interview with Eddy Rifai, as a Lecturer at the Faculty of Law, University of Lampung.

		completed within a maximum of 14 working days from receiving the claim for compensation by the Minister in charge of government activities in the financial sector.
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Source: Comparison of PP No. 27 of 1983 and PP No. 92 Year 2015

According to the table, compensation can only be disbursed following a formal claim, which necessitates that the process be initiated by the claimant. This requirement exists despite the fact that Article 95 of the Criminal Procedure Code does not explicitly mandate the filing of a claim to begin the compensation process. The specific amounts of compensation are detailed in Article 9 of Government Regulation (PP) on the Implementation of the Criminal Procedure Code, which outlines the following:

1. The minimum amount of compensation is IDR 500,000.00 (five hundred thousand rupiahs) and a maximum of IDR 100,000,000.00 (one hundred million rupiahs).
2. The nominal compensation for actions resulting in serious injury or disability that they cannot do work is at least IDR 25,000,000.00 (twenty-five million rupiahs) and a maximum of IDR 300,000,000.00 (three hundred million rupiahs).
3. Nominal compensation for actions resulting in death, at least IDR 50,000,000.00 (fifty million rupiahs) and a maximum of IDR 600,000,000.00 (six hundred million rupiahs).

According to Article 95 of the Criminal Procedure Code, a compensation claim must be submitted within three months from the date the final court decision (*inkracht*) is received.⁶ The enforcement of imprisonment for defendants who have been acquitted is often accompanied by challenges, particularly for the defendants who seek to assert their rights. As noted by Heni Siswanto, whether it is termed compensation, restitution, or reparation, these measures represent the state's responsibility to provide redress to individuals who have suffered mental and physical harm—not only by releasing them but also by extending care and consideration.⁷

One of the persistent challenges in this context is the difficulty in determining the appropriate amount of compensation. However, Siswanto emphasizes that the state should be responsible for regulating compensation amounts to ensure that the process remains grounded in pure legal principles, avoiding extraneous considerations.⁸ Fitri Ramadhan further highlights that one of the main obstacles is the lack of alternatives for obtaining compensation beyond the pretrial institution.⁹ This limitation is significant because the current system, which requires compensation for wrongful detention to be pursued through pretrial procedures, continues to present numerous challenges and divergent opinions¹⁰, particularly among judges. Therefore, consistent with the initial hypothesis, there is a need for the criminal justice system to develop a new model for addressing compensation claims for defendants who have been acquitted by an *inkracht* decision, one that extends beyond the pretrial mechanism.

The urgency for an alternative to the pretrial process in providing compensation to acquitted defendants is increasing. The current legal framework¹¹, which mandates that compensation be sought through a pretrial process, has proven difficult for many acquitted defendants to navigate. The complex and often protracted procedures do not guarantee legal certainty, and many acquitted defendants are not legal specialists, making them unaware of their rights to compensation. Even those who are aware often choose not to pursue compensation due to the burdensome process involved, despite their entitlement. Furthermore,

⁶See Article 7 Paragraph (1) Government Regulation Number 92 of 2015, See also in Tata Wijayanta and Hery Firmansyah, *Differences of opinion in court decisions*, (Jakarta: MediaPressindo, 2018), 48.

⁷ The results of an interview with Heni Siswanto, as a Lecturer at the Faculty of Law, University of Lampung.

⁸ *Ibid.*

⁹Results of an interview with Fitri Ramadhan, as a Judge at the Tanjungkarang District Court Class IA.

¹⁰Results of an interview with Dwi Aviandari, as a Judge at the Metro Class IB District Court.

¹¹Results of an interview with Jeni Nugraha Djulis, as a Judge at the Metro Class IB District Court.

many defendants have expressed frustration over the fact that the right to compensation is not explicitly included in the court's ruling. This omission leads them to believe that seeking compensation is futile, as it may only complicate their situation further.

Syafruddin has identified two emerging methods for providing compensation that address these concerns as follows.¹²

1. (*Procedural rights model*)

This paradigm necessitates the active involvement of the victim in the legal process, either directly or indirectly, to influence the sentencing of the perpetrator.¹³ Under this approach, victims of crime are granted specific rights, including the ability to file a criminal complaint, assist the public prosecutor, and participate in any court proceedings that affect their interests. This perspective recognizes victims as essential subjects within the legal system, deserving of comprehensive legal rights to seek justice and advocate for their own interests.¹⁴

2. (*Service model*)

This model represents a more contemporary approach in criminal law due to its incorporation of sanctions for compensation. It emphasizes the roles of both offenders and victims within the legal framework. Central to this approach is the establishment of normative guidelines aimed at facilitating the development of victims' rights, including protocols for police and prosecutors to follow in managing cases and providing compensation and restitution.¹⁵ Under this framework, crime victims are recognized as having a specific role within the law enforcement context. Furthermore, various perspectives from informants regarding criminal law policies address the rights of defendants to detention in cases where acquittals are rendered and the judgments are finalized, as detailed in Table 2.

Table 2. Opinions of informants regarding the rights of defendants who were acquitted

Informant	agency	Opinion
Safruddin	Judge at the Tanjungkarang District Court Class IA	<ol style="list-style-type: none"> 1. The period of detention can be up to 700 days, therefore considering the length of the detention, problems arise when the defendant is declared acquitted of all charges of the public prosecutor and has permanent legal force, the extent to which the state is responsible for the rights of the accused in this regard and how the defendant can sue his right to compensation against him. 2. Furthermore, the family is quite happy with the defendant's release. Apart from this independence, there is no other hope.
Heni Siswanto	Lecturer at the Faculty of Law, University of Lampung	<ol style="list-style-type: none"> 1. It is appropriate and appropriate for the state to give compassion to the defendant, whether it is based on being acquitted or otherwise. 2. Let the state regulate the compensation amount, thus we are still discussing pure law, not mixed with other matters. 3. Not necessarily the decision to be free to get compensation.

¹²A. Sudaryanto, 2015, *Introduction to Law, Understanding and Its Development in Indonesia*, (Malang: Setara Press), p. 18.

¹³ MN Rizky, et al, "Legal Protection of Children Victims of Commercial Sexual Exploitation Through Social Media", *Media Iuris* 2, no. 2 (2019): 197-216, 208, DOI: 10.20473/mi.v2i2.13193.

¹⁴ Nofika Chilmianti, "Advocacy Policy Against Women and Children Based on Protection of Victims of Violence", *Law Reform*, Vol. 9 No. 2 2014, p. 118.

¹⁵ *Ibid.*, p. 118-119.

Eddy Rifai	Lecturer at the Faculty of Law, University of Lampung	<ol style="list-style-type: none"> 1. Compensation is regulated in the Criminal Procedure Code, specifically in Article 1 Number 22, Article 95, and Article 96. 2. Investigators, prosecutors, and judges who determine detention cannot be blamed as long as they are by the procedure. Therefore, the state bears the responsibility for free decisions.
Ramadan	Judge at the Tanjungkarang District Court Class IA.	<ol style="list-style-type: none"> 1. Constraints in providing compensation include the unavailability of options other than through a pretrial institution. 2. The acquittal of the accused has provided sufficient independence for the accused and his family.
Jeni Nugraha Djulis	Judge at the Metro Class IB District Court.	<ol style="list-style-type: none"> 1. Existing regulations force acquitted defendants to seek compensation through pretrial. This does not protect the accused from prosecution. Apart from complicating the defendant's life with complicated and protracted procedures, it also does not guarantee legal certainty. 2. There is no longer a need for a lawsuit to seek compensation because the loss was already evident during the case examination. The defendant's losses were evident during the trial, apart from revealing key aspects of the case.
Dwi Aviandari	Judge at Metro District Court Class IB	<ol style="list-style-type: none"> 1. The acquitted defendant thought that regulating the defendant's ability to seek compensation was useless if it did not protect the accused but made it more difficult for him. 2. The method of compensation is given to assess the punishment imposed on the perpetrator of a crime by involving the victim in the legal process.
Anugrah R'Lalana Sebayang	Judge at Gunung Sugih District Court Class II	<ol style="list-style-type: none"> 1. Suppose the Court makes a swift decision on the amount of compensation to be paid by the government. In such circumstances, the procedure will be expedited that the defendant, who a legally binding decision has released, can immediately obtain his rights. 2. Many victims are unaware of the criminal justice system and therefore are unaware of their right to compensation.
Yoses Kharismanta Tarigan	Gunung Sugih District Court Class II	<ol style="list-style-type: none"> 1. If the defendant suffers losses due to the acquittal, the Criminal Court's decision must include compensation for the loss. 2. The settlement of criminal problems cannot be left to a mutual agreement between the victim and the perpetrator. Because the denial of criminal procedural law is within the jurisdiction of public law.

Source: Interview results

Referring to the opinions of certain informants presented in the table above, and considering the need for alternatives to pretrial compensation, a proposed solution is to establish a mechanism for compensating defendants whose cases result in acquittal with permanent legal force. This alternative aims to ensure that future criminal law policies continue to safeguard the

rights of individuals who have been exonerated and whose acquittals are final, thereby preventing potential biases in compensation claims. Two proposed alternative arrangements are suggested to enhance the effectiveness and efficiency of providing compensation for detention in such cases:

1. Compensation is included in the Court's decision

If the Court is tasked with determining the amount of compensation to be paid by the government, the procedure should be expedited to ensure that defendants acquitted by a legally binding decision can promptly exercise their rights.¹⁶ Jeni Nugraha Djulis has argued that the losses incurred by the defendant are evident from the case examination, and the actual damages sustained are clear, thus eliminating the need for a separate lawsuit to obtain compensation.¹⁷ Moreover, the key elements of the case and the assessment of compensation should be integrated into the verdict. Additionally, issuing a decision without requiring further prosecution can promote greater diligence among law enforcement agencies in managing cases.

This implies that when a defendant experiences a loss due to an acquittal, the Criminal Court's decision must explicitly include provisions for compensation.¹⁸ Once a court decision has become final and binding, the state, through the Public Prosecutor (JPU), is responsible for immediate implementation of the decision. Anugrah R'Lalana Sebayang has emphasized that, legally, a suspect, defendant, or convict is entitled to direct compensation from the state, with the public prosecutor acting as the executor of the Court's decision.¹⁹

Moreover, the technical aspects of compensation distribution must be clearly regulated to ensure legal certainty for the injured parties. There are options for integrating compensation budgets into the Court, police, or prosecutor's budgets.²⁰ However, alternative sources indicate that the Ministry of Finance sets the budget for compensation payments. For example, in the cases of victims of wrongful arrest such as Andro Supriyanto and Nurdin Priyanto, compensation was determined based on Minister of Finance Regulation No. 108/PMK.02/2018 concerning pretrial compensation, as compiled by the Palangka Raya State Court team.²¹

Compensation payments should adhere to principles of justice, timeliness, simplicity, and efficiency while ensuring legal certainty for the involved parties.²² A lack of public understanding of the law can lead to unlawful acts aimed at influencing court outcomes.²³ Therefore, clear and straightforward court mechanisms and procedures are essential, as defendants who are victims of legal process violations are often in a vulnerable position.

To protect the rights of defendants who have been acquitted and whose cases have attained final legal force, decisions or resolutions must be promptly implemented to facilitate their recovery.²⁴ If a legal decision is not final, available legal remedies can further delay resolution. This delay can exacerbate the defendant's situation if recovery is not expedited. Hence, it is

¹⁶Results of an interview with Anugrah R'Lalana Sebayang, as a Judge at the Gunung Sugih District Court Class II.

¹⁷Results of an interview with Jeni Nugraha Djulis, as a Judge at the Metro Class IB District Court.

¹⁸Results of an interview with Yoses Kharismanta Tarigan, as the Gunung Sugih District Court Class II.

¹⁹Results of an interview with Anugrah R'Lalana Sebayang, as a Judge at the Gunung Sugih District Court Class II.

²⁰M. Yusuf, "Execution of Additional Criminals in the Form of Substitution for Corruption Crimes by the Padang District Attorney (Study of Decision Number: 19/pid. sus-tpk/2015/pn Pdg)", *UNES Law Review* 1, no. 1 (2018): 61-69, 67, DOI: <https://doi.org/10.31933/law.v1i1.8>.

²¹Hushendra, "Tuntutan Ganti Kerugian Dalam Perkara Praperadilan", accessed on 09 November 2022 <https://badilum.mahkamahagung.go.id/artikel-hukum/2990-tuntutan-ganti-kerugian-dalam-perkara-praperadilan.html>

²²Rai Mantili, "Joint Responsibility for Immaterial Compensation for Actions Against Relating to the Principle of Legal Certainty", *Jurnal Bina Mulia Hukum* Vol. 4, no. 1 (2019): 88-111, 91.

²³Dahlan Sinaga, 2015, *Independence and Freedom of Judges in Deciding Criminal Cases in the State of Pancasila Law, A Perspective of Dignified Justice Theory*, (Bandung: Nusa Media), p. 278-279.

²⁴AK Jaelani, Handayani IGAKR, and Lego Karjoko, "Execubility of the constitutional court decision regarding grace period in the formulation of legislation", *International Journal of Advanced Science and Technology* 28, no. 15 (2019): 816-823, 816.

crucial for court decisions to be final and binding to enable immediate implementation and to improve the defendant's condition effectively.

2. Compensation through ADR by court order

Non-litigation or out-of-court conflict resolution, commonly known as Alternative Dispute Resolution (ADR)²⁵, offers a mechanism for compensating defendants who have been acquitted and whose cases have achieved permanent legal force. ADR and related forms of penal mediation are well-established in criminal law, aiming to uphold justice and balance. By streamlining procedures and reducing bureaucratic delays, ADR can facilitate prompt compensation, allowing the injured party to receive their rights expeditiously.

ADR can also expedite the process of granting rights to defendants who have been acquitted and whose acquittals are final. However, the outcome of ADR must adhere to applicable legal provisions to ensure that the Judge's determination carries binding legal certainty. If the ADR outcome does not conform to legal standards, the Judge may reject the agreement and mandate a revision of the ADR process to ensure compliance with legal requirements. Although ADR relies on the voluntary agreement of the parties and good faith, it does not inherently provide coercive authority.²⁶

Regarding responsibility, the government or state is deemed the most appropriate party for bearing the burden of compensation, rather than individual officials.²⁷ M. Yahya Harahap argues that holding state apparatus accountable for compensation claims is inappropriate and counterproductive. Such a practice could deter law enforcement officers from performing their duties effectively due to concerns about personal financial liability.²⁸ Moreover, if compensation claims are managed by individual officials, it could impede execution and overall effectiveness. Eddy Rifai concurs, stating that investigators, prosecutors, and judges should not be held liable for detention decisions as long as they adhere to procedural standards. Consequently, the state should assume responsibility for compensating defendants in cases of acquittal.²⁹

Yahya Harahap provides an example of a corporal who committed an illegal act and could not fulfill compensation obligations due to insufficient wealth and income. This case illustrates the difficulties in securing compensation when individuals lack the means to pay, which underscores the need for the state to be accountable for such claims. The responsibility of the government or state in compensating for the actions of its officials is thus emphasized.³⁰

This principle is enshrined in Article 11, Paragraph (1) of the Government Regulation (PP) on the Implementation of the Criminal Procedure Code, which stipulates that compensation payments, based on the court decision excerpt referenced in Article 10, are to be made by the Minister of Finance. According to the general explanation of Paragraph (1), these payments are to be covered by the State Revenue and Expenditure Budget. Yosès Kharismanta Tarigan supports this view, arguing that the resolution of criminal cases should not be left to private agreements between victims and perpetrators, as criminal law violations fall under public law jurisdiction.³¹ Therefore, such decisions must be formalized in a judge's determination or court ruling.

²⁵ B. Balzer and Johannes Schneider, "Managing a conflict: optimal alternative dispute resolution", *The RAND Journal of Economics* Vol. 52, no. 2 (2021): 415-445, 416, DOI: <https://doi.org/10.1111/1756-2171.12374>.

²⁶ NV Ariani, "Simple Lawsuits in the Indonesian Criminal Justice System," *DE JURE*, Vol. 18 2018, p. 386.

²⁷ L. Charkoudian, Deborah T. Eisenberg, and Jamie L. Walter, "What works in alternative dispute resolution? The impact of third-party neutral strategies in small claims cases", *Conflict Resolution Quarterly* 37, no. 2 (2019): 101-121, DOI: <https://doi.org/10.1002/crq.21264>.

²⁸ M. Yahya Harahap, 2006, *Discussion of Problems and Application of the Criminal Procedure Code: Examination of Court Sessions, Appeals, Cassations, and Judicial Review*, (Jakarta: Sinar Grafika), p. 39.

²⁹ The results of an interview with Eddy Rifai, as a Lecturer at the Faculty of Law, University of Lampung.

³⁰ *Ibid.*

³¹ Results of an interview with Yosès Kharismanta Tarigan, as the Gunung Sugih District Court Class II.

If officials' mistakes or omissions result in the state being required to pay compensation, these officials may face actions in accordance with relevant regulations. Ensuring legal certainty for the parties involved and expediting the judiciary process while minimizing costs is essential. Imposing fines on law enforcement officers for procedural errors can enhance public awareness of the need for diligence and professionalism among law enforcement personnel. Holding law enforcers accountable under the law, as with any other individuals, promotes equality before the law and encourages adherence to legal processes, thereby safeguarding defendants' rights.³²

In addition to the aforementioned models, alternative options for addressing compensation for defendants whose cases are acquitted and finalized include civil lawsuits, simplified civil lawsuits, and decisions from the Administrative Court.³³ However, these methods are often time-consuming and involve complex procedural requirements. As discussed, compensation mechanisms should align with principles of speed, simplicity, acost-effectiveness and *equality before the law*.³⁴ Civil processes and Administrative Court proceedings can be challenging for defendants, who may lack legal expertise. Consequently, incorporating compensation into court decisions and utilizing ADR with court orders is considered the most effective and appropriate approach to ensuring timely fulfillment of the rights of defendants whose cases are acquitted and have achieved permanent legal force.

C. Conclusion

In addition to pretrial measures, future criminal law policies regarding compensation for the detention of defendants who have been acquitted and whose cases are legally binding can be addressed through two primary alternatives. First, the criminal court's decision should explicitly include provisions for compensation in cases of loss. This is necessary because existing rules, such as those outlined in Articles 197, 199, and 200 of the Criminal Procedure Code, do not clearly specify details related to compensation within sentencing decisions, especially concerning formal determinations. Second, compensation can also be pursued through out-of-court dispute resolution, commonly known as Alternative Dispute Resolution (ADR).

The novelty of this research lies in the suggestion that judges should determine the amount of loss to be compensated by the state, thereby eliminating the need for defendants who are acquitted and whose cases have permanent legal force to file separate compensation claims. These alternatives are proposed to ensure that future criminal law policies effectively protect the rights of defendants who are exonerated and to prevent biases in the compensation process. Additionally, implementing an accessible and efficient system for applying for compensation following wrongful arrests and detentions will contribute to improved system management and the handling of compensation claims related to errors in detention and arrest.

³²Lilik Mulyadi, 2007, *Judge's Decision in Criminal Procedure Law* (Bandung: Citra Aditya Bakti), p. 121.

³³G. Gulati, Alan Cusack, Brendan D. Kelly, Shane Kilcommins, and Colum P. Dunne, "Experiences of people with intellectual disabilities encountering law enforcement officials as the suspects of crime—A narrative systematic review", *International journal of law and psychiatry* 71 (2020): 1-8, DIO: <https://doi.org/10.1016/j.ijlp.2020.101609>.

³⁴D. Acemoglu and Alexander Wolitzky, "A theory of equality before the law", *The Economic Journal* Vol. 131, no. 636 (2021): 1429-1465, 1429, DOI: <https://doi.org/10.1093/ej/ueaa116>.

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