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Protection of Victims' Rights against Undue Delay in Criminal Proceedings through the Victim-Oriented Judicial Time Control Model

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Abstract: This article examines undue delay in criminal proceedings by placing victims at the center of the analysis. To date, delays in criminal proceedings have primarily been understood as a fair trial issue concerning suspects or defendants. However, victims also suffer direct consequences, including legal uncertainty, limited access to information, delayed protection, weakened evidentiary value, postponed restitution, and the risk of revictimization. This article employs a normative-prescriptive legal research method using statutory, conceptual, case, human rights, and comparative law approaches. The findings indicate that the New Criminal Procedure Code (KUHAP) has established an initial framework for preventing undue delay through provisions on procedural time limits, notifications, and inter-agency coordination. Nevertheless, these provisions do not yet fully provide corrective mechanisms for victims when criminal proceedings fail to progress within a reasonable time. The Constitutional Court Decision Number 130/PUU-XIII/2015 and Constitutional Court Decision Number 21/PUU-XII/2014 may serve as foundations for the development of judicial oversight mechanisms. This article proposes a Victim-Oriented Judicial Time Control Model, a framework that enables victims to challenge procedural delays, provides judges with objective parameters for assessing unreasonable delays, and creates opportunities for corrective measures against institutional inaction by law enforcement authorities.

Keywords: Undue Delay, Victims, New Criminal Procedure Code, Judicial Time Control, Victim Redress.

INTRODUCTION

The modern development of criminal procedural law increasingly reflects a shift from a purely state-centered model of criminal justice toward a more rights-based and human-oriented approach. Criminal procedure must be understood as a framework that simultaneously regulates state power and protects individual rights within the criminal process (Jocelyn, 2019: 249–308). This perspective underscores that criminal proceedings are not merely technical mechanisms for adjudicating guilt, but constitutional instruments designed to ensure fairness, accountability, and the protection of human dignity. In this regard, procedural reforms,

including Indonesia's New Criminal Procedure Code (KUHP), should be understood as part of a broader transformation of justice governance rather than a mere technical revision of procedural rules.

One of the persistent issues in criminal justice systems worldwide is the problem of procedural delay or undue delay, which creates structural injustice by prolonging legal uncertainty for all parties involved in criminal proceedings (Powers and Faden, 2019: 45). While this issue has traditionally been examined from the perspective of protecting suspects and defendants under the principle of a fair trial, recent scholarship has expanded the analysis to include victims, who frequently remain marginalized within procedural justice frameworks. For victims, procedural delay constitutes more than administrative inefficiency; it often represents a continuation of the original victimization through institutional inaction (Otano, 2020: 110). Delays in criminal proceedings can postpone victims' access to restitution, leaving them to bear prolonged financial losses and economic hardship. They may also defer the implementation of legal and physical protection measures, thereby increasing victims' vulnerability to intimidation, retaliation, or secondary victimization. In addition, delayed proceedings frequently restrict victims' access to timely information regarding the progress of investigations and prosecutions, reducing their ability to participate effectively in the justice process and undermining public confidence in legal institutions. Procedural delays further impede victims' physical, psychological, and social recovery by prolonging uncertainty and emotional distress. Moreover, excessive delays increase the risk that crucial evidence may deteriorate, disappear, or become more difficult to obtain, thereby weakening the prospects of successful prosecution and diminishing victims' opportunity to obtain justice. These cumulative consequences demonstrate that undue delay is not merely a procedural defect but a substantive infringement upon victims' legal rights and access to effective justice.

In many jurisdictions, the principle of trial within a reasonable time is recognized as an integral component of the right to a fair trial. Article 14 of the International Covenant on Civil and Political Rights (ICCPR) guarantees that criminal proceedings must be conducted without undue delay. However, as emphasized by the Human Rights Committee, this principle should not be interpreted narrowly as protecting only defendants, but must also ensure that all persons affected by criminal proceedings, including victims, receive timely justice and effective access to legal remedies (UN Human Rights Committee, 2021: 27). A victim-centered interpretation of procedural timeliness therefore requires criminal justice systems not only to complete proceedings efficiently but also to safeguard victims' substantive rights throughout every stage of the criminal process.

In the Indonesian context, the Constitutional Court has played a crucial role in expanding procedural justice standards. Constitutional Court Decision No. 130/PUU-XIII/2015 established that the Notice of Commencement of Investigation (SPDP) must be delivered not only to the prosecutor but also to the suspect and the victim within seven days, thereby affirming the victim's right to timely information. Meanwhile, Decision No. 21/PUU-XII/2014 broadened the scope of pretrial review to include determinations such as suspect designation, search, and seizure. These decisions demonstrate an evolving judicial recognition that procedural fairness is not limited to formal legality but also encompasses transparency, accountability, and the protection of victims' procedural rights throughout criminal proceedings (Akmal, Fatkhul, and Karsa, 2020: 609–626).

Despite these normative developments, significant gaps remain in Indonesia's criminal procedure framework. Although the New Criminal Procedure Code introduces procedural time limits, inter-agency coordination mechanisms, and notification requirements, it does not yet provide effective remedies for victims when criminal proceedings are delayed without justification. Procedural timeliness becomes meaningful only when accompanied by enforceable legal consequences for unjustified delay (Ismaili and Sulejmani, 2024: 345–350).

Without such mechanisms, procedural time limits risk functioning merely as internal administrative standards rather than enforceable legal rights. This deficiency is particularly evident in the position of victims, who remain structurally marginalized within criminal proceedings and are generally confined to the roles of complainants or witnesses without meaningful opportunities to challenge institutional delay. Contemporary victimology, however, recognizes victims as legal subjects possessing independent rights to information, protection, participation, restitution, and recovery. Consequently, victims should no longer be regarded as passive participants in criminal proceedings but as active rights-holders whose interests and experiences directly influence the legitimacy and effectiveness of the criminal justice system (Cuppini, 2024: 484–505).

Building on this normative and practical gap, this article argues that undue delay in criminal proceedings should not be understood solely as a procedural inefficiency or a violation of defendants' fair trial rights. Rather, it should be conceptualized as a form of structural harm that directly impairs victims' access to restitution, protection, information, recovery, and effective legal remedies while simultaneously increasing the risk of evidentiary loss and institutional injustice. To address this deficiency, this article develops a Victim-Oriented Judicial Time Control Model that positions victims as legal subjects entitled to challenge unjustified procedural delays. The proposed model establishes judicial oversight mechanisms that assess whether criminal proceedings are conducted within a reasonable time by evaluating their impact on victims' substantive procedural rights.

The novelty of this study lies in the formulation of a structured judicial control framework consisting of three interrelated elements: (1) victims' right to challenge undue delay, (2) judicial parameters for assessing the legal and practical impact of delay on victims' rights, and (3) corrective judicial orders to address institutional inaction and ensure procedural accountability. By integrating constitutional jurisprudence, comparative human rights standards, and contemporary victimological theory, this article seeks to reconceptualize judicial time control as a victim-oriented mechanism that strengthens procedural fairness and enhances the protection of victims' rights within Indonesia's criminal justice system.

METHOD

This study employs a normative-prescriptive legal research method. This method is selected because the issue under examination centers on legal norms, legal principles, judicial decisions, legal doctrines, and the conceptual construction of legal protection for victims against delays in criminal proceedings. The study is not intended to measure the empirical effectiveness of criminal case handling in practice; rather, it aims to assess the adequacy of the existing legal framework and formulate a normative model in the form of a Victim-Oriented Judicial Time Control Model as a mechanism of judicial oversight over undue delay that adversely affects victims (Widiarty, 2024: 45).

The research adopts five complementary approaches: the statutory approach, conceptual approach, case approach, human rights approach, and comparative law approach. The statutory approach is employed to examine the New Criminal Procedure Code (KUHAP), the previous Criminal Procedure Code as a historical reference, the Judicial Power Act, the Human Rights Act, and the Law Ratifying the International Covenant on Civil and Political Rights. These statutory instruments were selected because they constitute the principal legal framework governing criminal procedure, judicial authority, victims' procedural rights, human rights protection, and Indonesia's international obligations concerning the right to a fair trial and timely criminal proceedings.

The conceptual approach is used to analyze and develop the concepts of undue delay, due process of law, victimology, victims' rights, procedural victimization, effective remedy, restorative justice, and Judicial Time Control. These concepts were selected because they

provide the theoretical foundation necessary to evaluate whether procedural delay should be regarded not merely as an administrative deficiency but as a violation of victims' substantive legal rights requiring judicial intervention.

The case approach focuses on Constitutional Court Decision Number 130/PUU-XIII/2015 and Constitutional Court Decision Number 21/PUU-XII/2014. These decisions were selected purposively because they represent landmark constitutional precedents that significantly influence the development of Indonesian criminal procedural law concerning procedural fairness and judicial oversight. Constitutional Court Decision Number 130/PUU-XIII/2015 is analyzed because it establishes the obligation to deliver the Notice of Commencement of Investigation (SPDP) to victims, thereby recognizing victims' constitutional right to timely procedural information. Constitutional Court Decision Number 21/PUU-XII/2014 is examined because it expands the scope of pretrial review to include suspect designation, search, and seizure, thereby strengthening judicial supervision over investigative actions and reinforcing procedural accountability.

The human rights approach examines international legal standards, particularly Article 14 of the International Covenant on Civil and Political Rights (ICCPR), together with the relevant interpretations of the United Nations Human Rights Committee concerning the right to be tried without undue delay and the availability of effective remedies. The comparative law approach analyzes legal principles and institutional practices from jurisdictions and international legal systems that have developed judicial mechanisms for controlling unreasonable procedural delay and protecting victims' procedural rights. These comparative materials were selected because they provide normative benchmarks for evaluating the adequacy of Indonesian criminal procedural law and for developing an appropriate model of judicial oversight.

The legal materials used in this study consist of primary and secondary legal sources selected purposively based on their direct relevance, legal authority, and substantive contribution to the research questions. Primary legal materials include statutory regulations, Constitutional Court decisions, and international human rights instruments that specifically regulate criminal procedure, victims' rights, judicial oversight, procedural time limits, and remedies for violations of procedural rights. Secondary legal materials comprise peer-reviewed journal articles, scholarly books, research reports, and authoritative legal commentaries concerning criminal procedure, victimology, restorative justice, due process of law, judicial accountability, and the reasonable time principle. Priority was given to recent peer-reviewed publications reflecting current developments in criminal justice and victims' rights, while seminal academic works were included where necessary to establish the theoretical and doctrinal foundations of the study.

Legal materials were collected through library research and analyzed qualitatively using grammatical, systematic, teleological, conceptual, and prescriptive methods of legal interpretation. The analysis seeks to identify normative gaps within the existing legal framework concerning remedies for procedural delay affecting victims. Based on these findings, a prescriptive analysis is employed to formulate the Victim-Oriented Judicial Time Control Model as the principal normative contribution of this study.

RESULTS AND DISCUSSION

The New Criminal Procedure Code and the Prevention of Undue Delay

The enactment of the New Criminal Procedure Code (KUHAP) reflects a broader transformation of Indonesian criminal procedural law from a purely technical framework into a governance mechanism for regulating the exercise of state power within the criminal justice system. Contemporary criminal justice theory increasingly recognizes that criminal procedure serves not only as an administrative process for determining criminal liability but also as a

constitutional safeguard designed to ensure fairness, accountability, and the protection of fundamental rights throughout criminal proceedings.

One of the persistent structural problems within criminal justice systems is undue delay. Delays may occur during the investigation, prosecution, pretrial review, and adjudication stages. Empirical studies indicate that procedural delay frequently results not only from the complexity of criminal cases but also from institutional fragmentation, overlapping authority, and inadequate coordination among law enforcement agencies (Ndoja, 2018: 26). Consequently, procedural delay should be understood as a systemic governance issue rather than merely an isolated administrative problem. From a procedural justice perspective, prolonged criminal proceedings may undermine legal certainty, reduce institutional accountability, and weaken public confidence in the administration of justice.

The New Criminal Procedure Code introduces several legal reforms intended to improve procedural efficiency. These include the establishment of procedural time limits, strengthened coordination between investigators and public prosecutors, and mandatory notification of significant procedural developments. These reforms seek to create a more predictable and accountable criminal process by reducing unnecessary delays and promoting greater transparency. As Campbell, Ashworth, and Redmayne (2019: 56) observe, procedural time limits perform not only administrative functions but also contribute to the protection of legal certainty by preventing criminal proceedings from continuing indefinitely.

A central feature of the New Criminal Procedure Code is the reinforcement of coordination between investigators and prosecutors. The legislation seeks to minimize procedural inefficiencies arising from repeated returns of case files and inconsistent legal assessments between investigative and prosecutorial authorities. Research conducted by Setiawan et al. (2026: 45) demonstrates that earlier prosecutorial involvement under the *dominus litis* principle contributes to reducing procedural fragmentation and improving case management. Nevertheless, the effectiveness of these coordination mechanisms remains largely dependent upon institutional compliance and administrative capacity.

Another significant procedural development concerns the notification of the commencement of criminal investigations. Constitutional Court Decision No. 130/PUU-XIII/2015 requires that the Notice of Commencement of Investigation (*Surat Pemberitahuan Dimulainya Penyidikan* SPDP) be delivered not only to the public prosecutor but also to the suspect and the victim within a prescribed period. This decision strengthens procedural transparency by recognizing victims' right to receive timely information concerning the progress of criminal proceedings. However, victimological studies indicate that the provision of procedural information alone does not necessarily ensure meaningful participation by victims throughout the criminal justice process (Kerstin, 2019: 1–30).

Existing victimology literature further demonstrates that procedural delay produces multiple adverse consequences for victims. Delayed proceedings prolong legal uncertainty regarding the status of criminal cases, postpone the payment of restitution and other forms of compensation, delay access to protection measures, restrict timely access to procedural information, and impede victims' psychological, social, and economic recovery. Extended delays may also reduce the quality of evidence because witness recollections gradually deteriorate and documentary or physical evidence may become more difficult to obtain (Reddy, 2025: 379–428). These findings indicate that procedural delay affects not only the efficiency of criminal justice administration but also the practical realization of victims' procedural rights.

Constitutional Court Decision No. 21/PUU-XII/2014 further illustrates the development of judicial oversight within Indonesian criminal procedure. Through this decision, the Constitutional Court expanded the scope of pretrial review to include determinations concerning suspect designation, search, and seizure. The decision reflects the Constitutional Court's broader interpretation of judicial supervision over investigative actions and reinforces

the principle that procedural fairness requires effective judicial oversight of state authority during criminal proceedings.

Developments at the international level likewise demonstrate increasing recognition of procedural timeliness as an essential component of criminal justice. The jurisprudence of the European Court of Human Rights concerning the reasonable time requirement emphasizes the obligation of States to ensure criminal proceedings are conducted without excessive delay. Similarly, international restorative justice standards developed by the United Nations Office on Drugs and Crime (UNODC, 2021: 6–10) acknowledge that timely criminal proceedings contribute significantly to victims' participation, legal certainty, and recovery.

Taken together, these statutory provisions, constitutional decisions, and international standards demonstrate that Indonesian criminal procedure has increasingly incorporated principles of procedural timeliness, institutional coordination, transparency, and judicial supervision. Nevertheless, the existing legal framework primarily regulates procedural obligations imposed upon law enforcement institutions and does not expressly establish a specific judicial mechanism through which victims may challenge unjustified procedural delay. This normative limitation provides the basis for the subsequent discussion concerning the need for a more comprehensive victim-oriented model of judicial time control.

Constitutional Court Decisions and the Basis of Judicial Control

Constitutional Court decisions have played a significant role in shaping the constitutional development of Indonesian criminal procedural law by strengthening procedural safeguards and reinforcing judicial oversight over the exercise of state power. Rather than serving merely as technical interpretations of statutory provisions, these decisions have progressively redefined criminal procedure as a constitutional mechanism for protecting fundamental rights and ensuring accountability throughout criminal proceedings. This jurisprudential development reflects a broader trend in contemporary criminal justice systems, where procedural law is increasingly understood as a framework for balancing effective law enforcement with constitutional guarantees of fairness, transparency, and human rights protection (Tjhia and Budianto, 2025: 882–888).

One of the recurring challenges addressed within this constitutional framework is procedural delay or *undue delay*. Comparative legal scholarship recognizes that excessive delay is not simply an administrative deficiency but a structural problem capable of undermining legal certainty, public confidence, and access to justice (Ali and Razzaque, 2023: 438–446). Within Indonesian legal discourse, however, discussions concerning procedural delay have traditionally concentrated on the protection of suspects' and defendants' due process rights, while considerably less attention has been devoted to the procedural interests and constitutional rights of victims.

Within this context, Constitutional Court Decision No. 130/PUU-XIII/2015 and Constitutional Court Decision No. 21/PUU-XII/2014 constitute two landmark decisions that significantly influence the development of judicial oversight in Indonesian criminal procedure.

Constitutional Court Decision No. 130/PUU-XIII/2015 recognizes the constitutional importance of victims' access to procedural information by requiring investigators to deliver the Notice of Commencement of Investigation (*Surat Pemberitahuan Dimulainya Penyidikan SPDP*) not only to the public prosecutor and the reported party but also to victims or complainants within seven days after the issuance of the investigation order. Prior to this decision, the SPDP primarily functioned as an internal administrative communication between investigators and prosecutors, leaving victims without certainty regarding the progress of criminal investigations. By extending notification obligations to victims, the Constitutional Court reinforced procedural transparency and recognized access to information as an important component of legal certainty. Empirical studies further demonstrate that timely procedural

information significantly influences victims' perceptions of fairness, trust in legal institutions, and willingness to participate throughout criminal proceedings (Barkworth and Murphy, 2016: 105–122).

Constitutional Court Decision No. 21/PUU-XII/2014 further expanded the scope of judicial supervision by extending pretrial (*praperadilan*) review to encompass suspect designation, search, and seizure. Through this decision, the Constitutional Court affirmed that investigative measures capable of affecting constitutional rights must remain subject to judicial scrutiny. The decision therefore strengthened judicial oversight over investigative powers and reaffirmed the constitutional principle that coercive state authority must be exercised within an accountable legal framework (Teremetskyi et al., 2024: 7375–7384).

Taken together, these two Constitutional Court decisions demonstrate an important evolution in Indonesian criminal procedural law. Decision No. 130/PUU-XIII/2015 enhances procedural transparency through the recognition of victims' right to receive timely information concerning criminal investigations, while Decision No. 21/PUU-XII/2014 broadens judicial oversight over investigative actions that affect constitutional rights. Collectively, they indicate the Constitutional Court's growing emphasis on procedural accountability as an essential component of constitutional criminal procedure.

Nevertheless, analysis of these decisions also reveals important normative limitations. Although Decision No. 130/PUU-XIII/2015 secures victims' right to receive procedural information, it does not establish legal consequences where notification obligations are ignored or substantially delayed. Likewise, although Decision No. 21/PUU-XII/2014 expands judicial review over certain investigative measures, it does not expressly authorize judicial examination of prolonged investigative inactivity or unjustified procedural delay. Consequently, victims remain without an effective judicial mechanism through which they may challenge prolonged investigations, delayed prosecutions, or institutional inaction that adversely affects their procedural rights.

This limitation becomes particularly significant in light of contemporary victimology research. Empirical studies indicate that prolonged procedural uncertainty often delays victims' access to restitution, postpones protective measures, hinders psychological and social recovery, limits meaningful participation in criminal proceedings, and increases the possibility that relevant evidence may deteriorate over time (Rahmawati and Dermawan, 2023: 182–227; Green, 2026). Despite the Constitutional Court's progressive interpretation of procedural fairness, existing constitutional jurisprudence has not yet developed a comprehensive judicial remedy specifically addressing these consequences of undue delay.

Accordingly, while Constitutional Court Decisions No. 130/PUU-XIII/2015 and No. 21/PUU-XII/2014 provide an important constitutional foundation for procedural transparency and judicial accountability, they stop short of establishing a comprehensive framework through which victims may obtain judicial protection against unjustified procedural delay. This unresolved normative gap forms the basis for the prescriptive model proposed in the following section.

Victim Perspective and the Problem of Undue Delay

Discussions concerning undue delay in criminal proceedings have traditionally been dominated by a defendant-centered perspective. This orientation reflects the historical development of criminal procedure as a safeguard against the coercive power of the State, particularly to protect suspects and defendants from arbitrary detention and unfair criminal trials. Contemporary victimology and procedural justice theory, however, demonstrate that this traditional approach provides only a partial understanding of procedural fairness because it gives comparatively limited attention to victims as independent holders of procedural rights. Recent studies indicate that victims frequently experience procedural delay not merely as

administrative inefficiency but as a continuation of the harm initially caused by the criminal offence itself (Otano, 2020: 110).

From the perspective of victims, criminal proceedings constitute more than a mechanism for determining criminal responsibility. They also function as a process through which victims obtain legal recognition, procedural information, protection, participation, restitution, and recovery. Consequently, prolonged criminal proceedings affect not only the duration of litigation but also the realization of these substantive procedural rights. Undue delay should therefore be understood not solely as a matter of institutional efficiency but also as an issue of victim protection and access to justice.

The first consequence of undue delay is prolonged legal uncertainty. Victims who do not receive timely information concerning the progress of criminal proceedings are placed in a passive procedural position, making it difficult to determine whether investigations are progressing, whether prosecutorial action has commenced, or whether the case has become dormant. Such uncertainty extends beyond psychological discomfort because it restricts victims' ability to exercise procedural rights effectively. Empirical research demonstrates that limited access to procedural information substantially reduces victims' confidence in criminal justice institutions and weakens their willingness to participate in legal proceedings (Laxminarayan, 2015: 273–286). Although Constitutional Court Decision No. 130/PUU-XIII/2015 recognizes victims' entitlement to receive notification of the commencement of investigations through the SPDP mechanism, existing legal arrangements primarily regulate initial notification and do not establish a continuing obligation to provide victims with regular information concerning subsequent procedural developments.

A second consequence concerns delayed protection. In cases involving violence, intimidation, domestic abuse, or unequal power relationships, prolonged investigative or prosecutorial processes may expose victims to continuing risks of intimidation, retaliation, or repeated victimization. Victim protection studies consistently demonstrate that delayed institutional responses increase victims' vulnerability and reduce the effectiveness of protective interventions (Xie and Baumer, 2019: 217–240). Consequently, procedural delay may have direct implications for victims' physical safety and psychological security rather than merely affecting the duration of criminal proceedings.

Third, prolonged criminal proceedings may adversely affect the availability and reliability of evidence. As time passes, witness memory gradually deteriorates, documentary and physical evidence may be lost or degraded, and victims themselves may become less willing or less capable of providing complete testimony. This problem is particularly significant in criminal cases that depend heavily upon testimonial evidence. Accordingly, procedural delay may impair not only administrative efficiency but also the accuracy and effectiveness of judicial fact-finding (Setiawan et al., 2026: 45).

Fourth, undue delay postpones restitution and victim recovery. Victims frequently require prompt compensation for material losses together with access to psychological, medical, and social support services. When criminal proceedings are prolonged, access to these restorative measures is likewise delayed, thereby diminishing their practical value. International standards concerning victims' rights emphasize that remedies should be both effective and timely because delayed restitution often fails to restore victims to their previous condition once financial, psychological, or social harm has accumulated (United Nations General Assembly, 2022: 12–14).

Fifth, procedural delay contributes to secondary victimization. Victims may experience additional emotional and psychological harm through repeated interactions with criminal justice institutions, prolonged uncertainty, inadequate communication, and repeated requests to recount traumatic events without corresponding procedural progress. Victimological research consistently identifies procedural insensitivity and prolonged delays as significant

contributors to procedural victimization, whereby the justice process itself becomes a source of additional suffering (Pemberton, Mulder, and Aarten, 2019: 391–412).

Finally, prolonged procedural delay undermines public confidence in the criminal justice system. Institutional legitimacy depends not only upon the correctness of final judicial decisions but also upon the fairness, transparency, and responsiveness of procedural processes. When victims consistently experience extended periods without meaningful procedural information or visible institutional action, confidence in the effectiveness of criminal justice institutions may decline. Empirical studies demonstrate that procedural transparency and responsiveness constitute important determinants of institutional trust and willingness to cooperate with law enforcement authorities (Purves and Davis, 2022: 136–162).

Collectively, these findings demonstrate that undue delay generates multidimensional consequences extending beyond procedural inefficiency. Delayed criminal proceedings affect victims' access to information, protection, restitution, recovery, evidentiary integrity, and confidence in criminal justice institutions. Although Indonesian criminal procedure increasingly recognizes victims' procedural rights through statutory reforms and Constitutional Court jurisprudence, the existing legal framework does not yet provide an effective mechanism enabling victims to obtain judicial protection when unjustified procedural delay substantially impairs those rights. This unresolved normative gap forms the basis for the prescriptive model developed in the following section.

Comparative Law and International Standards

Comparative criminal procedure and international human rights law provide an important normative framework for understanding the regulation of procedural time in criminal proceedings, particularly concerning the principle of a trial within a reasonable time and the protection of victims' rights. The purpose of the comparative analysis is not to advocate the direct transplantation of foreign legal systems into Indonesia but to identify internationally recognized legal principles that may serve as normative benchmarks for evaluating the adequacy of Indonesian criminal procedural law. Such an approach enables the assessment of whether the existing Indonesian legal framework corresponds with contemporary developments in international criminal justice concerning procedural timeliness and victims' rights.

At the international level, the right to be tried without undue delay forms an integral component of the broader right to a fair trial guaranteed under Article 14 of the International Covenant on Civil and Political Rights (ICCPR). The United Nations Human Rights Committee, through General Comment No. 32, emphasizes that criminal proceedings must be conducted without unreasonable delay in order to ensure legal certainty, procedural fairness, and effective judicial protection (UN Human Rights Committee, 2007: paras. 27, 35). Historically, this guarantee has been interpreted primarily from the perspective of protecting suspects and defendants against prolonged criminal proceedings and excessive state coercion. Nevertheless, more recent developments in victimology and restorative justice increasingly recognize that excessive delay also affects victims by postponing access to information, protection, participation, restitution, and recovery.

International standards further demonstrate that the determination of what constitutes a "reasonable time" cannot be measured solely by the duration of criminal proceedings. Instead, it requires consideration of several contextual factors, including the complexity of the case, the conduct of judicial and law enforcement authorities, the behaviour of the parties, and the significance of the interests affected by the delay. Comparative jurisprudence consistently emphasizes that institutional inefficiency or administrative backlog cannot, by itself, justify prolonged procedural stagnation.

This principle is clearly reflected in the jurisprudence of the European Court of Human Rights (ECtHR). In *Kudła v. Poland*, the Court held that the right to a hearing within a reasonable time under Article 6 of the European Convention on Human Rights must be accompanied by the availability of effective domestic remedies whenever unreasonable delay occurs (ECtHR, *Kudła v. Poland*, Application No. 30210/96). Subsequent ECtHR jurisprudence has consistently reaffirmed that States are required not only to recognize procedural timeliness as a legal obligation but also to provide effective mechanisms capable of addressing excessive delay and preventing prolonged legal uncertainty (ECtHR, 2023, *Guide on Article 6 of the European Convention on Human Rights*).

Beyond fair trial guarantees, international legal instruments have progressively strengthened the recognition of victims as independent holders of procedural rights. The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power recognizes victims' rights to access justice, receive respectful treatment, obtain information concerning criminal proceedings, and receive prompt reparation for harm suffered (United Nations General Assembly, 1985: paras. 4–7). Likewise, the Basic Principles and Guidelines on the Right to a Remedy and Reparation reaffirm that victims are entitled to equal and effective access to justice together with adequate, effective, and prompt remedies, including access to information concerning violations and available legal procedures (United Nations General Assembly, 2005: paras. 11–15). More recently, United Nations Office on Drugs and Crime (UNODC) policy documents have emphasized that prolonged criminal proceedings may themselves contribute to secondary victimization by delaying recovery and extending victims' uncertainty regarding the outcome of criminal proceedings (UNODC, 2021: 22–24).

Comparative experiences from several European jurisdictions likewise demonstrate that procedural delay has increasingly been recognized as an issue capable of generating legal consequences. In jurisdictions such as the Netherlands and Germany, excessive delay in criminal proceedings may result in judicial recognition of procedural violations together with legal consequences including sentence reduction or financial compensation where appropriate. Although the specific legal mechanisms differ across jurisdictions, these developments demonstrate a common principle that procedural time is regarded as a matter of legal accountability rather than solely an issue of internal administrative management. Comparative studies of European criminal justice reforms further indicate that procedural efficiency and the protection of victims' rights are increasingly viewed as complementary objectives rather than competing interests (Mirjan, 1974: 480).

Viewed collectively, international human rights instruments, ECtHR jurisprudence, United Nations victim-rights standards, and comparative criminal procedure demonstrate a consistent evolution toward recognizing procedural timeliness as an essential component of effective justice. These developments show that criminal procedure is no longer understood solely as a mechanism for determining criminal responsibility or protecting suspects from arbitrary state action, but increasingly as a legal framework that must also safeguard victims' procedural rights throughout criminal proceedings.

When compared with these international and comparative standards, Indonesian criminal procedural law has adopted several important principles concerning procedural transparency, judicial oversight, and victims' access to information through statutory reform and Constitutional Court jurisprudence. However, the existing legal framework does not yet provide a comprehensive judicial mechanism enabling victims to seek review or corrective intervention when unjustified procedural delay substantially impairs their procedural rights. This comparative gap provides the normative basis for the prescriptive model developed in the following section.

Victim-Oriented Judicial Time Control Model

Based on the descriptive and critical analyses presented in the preceding sections, this article proposes a Victim-Oriented Judicial Time Control Model as its principal normative contribution. The previous discussion demonstrates that Indonesian criminal procedural law has progressively strengthened procedural transparency, judicial oversight, and victims' access to information through statutory reform and Constitutional Court jurisprudence. Nevertheless, these developments have not yet established an effective judicial mechanism through which victims may seek review or corrective intervention when criminal proceedings are subject to unjustified delay. The proposed model is intended to address this normative deficiency by introducing a judicial mechanism that protects victims' procedural rights without interfering with the substantive independence of criminal investigations or prosecutions.

The proposed model is founded on the premise that victims are independent holders of procedural rights rather than passive participants in criminal proceedings. Accordingly, unjustified procedural delay should be regarded not merely as an administrative shortcoming but as a potential violation of victims' rights to information, protection, participation, restitution, compensation, and recovery. Consistent with contemporary victimology, prolonged criminal proceedings may generate procedural harm by extending uncertainty, delaying recovery, and reducing victims' confidence in the justice system (Ellison and Munro, 2017: 183–208).

The Victim-Oriented Judicial Time Control Model is defined as a judicial oversight mechanism through which victims or their lawful representatives may request judicial review of unjustified procedural delay, enabling the court to determine whether such delay has substantially impaired victims' procedural rights. The model does not transfer investigative or prosecutorial authority to the judiciary. Rather, it introduces judicial supervision over procedural timeliness in order to ensure that discretionary powers exercised by law enforcement agencies remain consistent with constitutional guarantees of accountability, legal certainty, and procedural fairness.

The proposed model is constructed around four interrelated normative components.

1. Recognition of victims' procedural standing. Victims should be granted legal standing to request judicial review where criminal proceedings experience unreasonable delay. Such applications may be submitted not only by direct victims but also, where appropriate, by legal representatives, close family members, victim support organizations, or legal aid institutions acting in the victims' interests. This component seeks to transform victims from passive recipients of procedural information into active participants capable of safeguarding their procedural rights.
2. Determination of the object of judicial review. Judicial review should encompass unjustified procedural delay throughout the criminal process. This includes prolonged investigative inactivity, excessive delays during pre-prosecution, repeated return of case files without adequate justification, failure to provide mandatory procedural notifications, and prolonged absence of meaningful information concerning case developments. At the same time, the model recognizes that not every delay is legally unreasonable. Judicial review should therefore distinguish between delays attributable to legitimate case complexity and delays resulting from institutional inactivity, administrative inefficiency, or lack of procedural accountability.
3. Establishment of judicial assessment criteria. The court should evaluate procedural delay through a contextual assessment rather than by applying rigid chronological limits alone. Relevant considerations include the complexity of the criminal case, the conduct of investigators and prosecutors, compliance with statutory procedural obligations, the availability of procedural information to victims, the impact of delay upon victims' safety and recovery, deterioration of evidence, postponement of restitution, and the risk of

secondary victimization. Incorporating victim impact as an explicit assessment criterion distinguishes this model from conventional approaches that evaluate procedural delay primarily from the perspective of defendants' fair trial rights

4. Judicial corrective measures. Where unjustified delay is established, the court should be empowered to issue proportionate corrective orders intended to restore procedural progress rather than terminate criminal proceedings. Depending upon the circumstances of the case, these measures may include requiring investigators or prosecutors to provide periodic case updates to victims, establishing reasonable deadlines for procedural action, directing improved coordination between law enforcement agencies, ordering consideration of appropriate victim protection measures, or requiring formal explanations concerning prolonged procedural inactivity. Such corrective measures are designed to improve procedural accountability while preserving the functional independence of criminal justice institutions.

The proposed model therefore complements, rather than replaces, the existing Indonesian criminal procedural framework. It builds upon statutory reforms, Constitutional Court jurisprudence, and international human rights standards by introducing an enforceable judicial mechanism through which victims may obtain protection against unjustified procedural delay. In this respect, the Victim-Oriented Judicial Time Control Model represents a normative reconstruction of Indonesian criminal procedure that seeks to balance procedural efficiency, judicial accountability, and effective protection of victims' rights within a constitutional framework of criminal justice.

CONCLUSION

This study demonstrates that Indonesian criminal procedural law has undergone significant normative development through the enactment of the New Criminal Procedure Code, the Constitutional Court's jurisprudence, and the incorporation of international human rights standards concerning the right to a trial within a reasonable time. These developments have strengthened procedural transparency, expanded judicial oversight over certain investigative measures, and enhanced victims' access to procedural information. Collectively, they reflect a gradual transformation of Indonesian criminal procedure from a predominantly defendant-oriented framework toward a more balanced system that increasingly recognizes victims as holders of procedural rights. Nevertheless, the current legal framework remains primarily focused on regulating institutional obligations rather than establishing enforceable procedural remedies capable of protecting victims against unjustified delay.

Despite these normative advances, the study identifies a significant legal gap in the protection of victims affected by undue delay in criminal proceedings. Indonesian criminal procedural law does not yet provide an effective judicial mechanism through which victims may challenge prolonged investigations, delayed prosecutions, or other forms of procedural stagnation that adversely affect their rights. As a consequence, victims remain exposed to delayed access to procedural information, postponed protection measures, delayed restitution and recovery, deterioration of evidentiary quality, and secondary victimization. The absence of an effective judicial remedy indicates that procedural timeliness has not yet been fully recognized as an enforceable component of victims' procedural rights, notwithstanding the progressive development of statutory reform, Constitutional Court jurisprudence, and international human rights principles. To address this normative deficiency, this study formulates a Victim-Oriented Judicial Time Control Model as its principal contribution to the development of Indonesian criminal procedural law. The proposed model is characterized by four interrelated components: recognition of victims' procedural standing to seek judicial review of unjustified delay; judicial review of procedural stagnation throughout criminal

proceedings; contextual judicial assessment based on case complexity, institutional conduct, procedural compliance, and the impact of delay on victims' rights; and proportionate corrective judicial measures designed to restore procedural progress without interfering with the substantive independence of investigators or prosecutors. Rather than replacing the existing procedural framework, the model complements current statutory and constitutional protections by introducing an enforceable mechanism that strengthens judicial accountability while safeguarding victims' rights to information, protection, participation, restitution, and recovery. In this respect, the proposed model contributes to the development of a more balanced criminal justice system that integrates procedural efficiency, constitutional accountability, and effective protection of victims' rights within the administration of criminal justice in Indonesia.

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