

NEWSLETTER

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FASTER TIMEFRAME ON CASE EXAMINATION IN THE SUPREME COURT

On 31 December 2014, the Chief of the Supreme Court issued the Decree No. 214/KMA/SK/XII/2014 regarding Time Period For Handling Cases at the Supreme Court (“**Decree 214**”). The Decree 214 is intended to stipulate a faster time frame on Cassation petitions (*Kasasi*) and Case Review petitions (*Peninjauan Kembali*) examination process at the Supreme Court. By the issuance of the Decree 214, the previous decree concerning the same matter, i.e. Decree No. 138/KMA/SK/IX/2009, was revoked.

In principal, the Decree 214 regulates that the examination process for Cassation and Case Review petition in the Supreme Court shall be completed within 250 (two hundred fifty) days, which is calculated from the date of receipt of such application and its related documents (“**the Case File**”) by Supreme Court General Affair. However, for particular cases such as Special Criminal, Special Civil, Tax and State Administrative cases (“**Special Cases**”), the time limit shall refer to its respective regulation, e.g. Article 13 of Act no. 37 Year 2004 concerning Insolvency Law, which regulates that Supreme Court shall render its decision on the cassation application within 60 (sixty) days as from the date of receipt Cassation petition. The Decree 214 also imposes specific treatments for Special Cases, for example the Decree 214 allows 13 (thirteen) days for registering the Case File of general cases, but only 1 (one) day for the Special Cases or any case that draw public attention. Moreover, the Decree 214 also regulates that the phase of reading and reviewing the Case File shall be 90 (ninety) days for general cases, while for cases which attract public attention, shall be 60 (sixty) days.

The case handling process covered by Decree 214 are:

1. Receiving the Case File;
2. Reviewing the Case File;
3. Registering the Case File;
4. Determining the relevant chamber, the judges and distributing the Case File;
5. Determining the consultation day;
6. Reading the Case File;
7. Consultation;
8. File Compilation;
9. Sending the Case File and copy of the Decision to the submitting court

We believe that the promulgation of the Decree 214 may bring good development to law enforcement in Indonesia, whereby previously a Cassation or Case Review case takes longer in obtaining the decision from the Supreme Court. However, the Decree 214 does not impose specific sanctions if there is any breach of the stipulated time period for the Cassation or Case Review process in the Supreme Court. The Decree 214 only states that the Chief of the Supreme Court may grant a reward or punishment on the obedience in implementing the Decree 214.