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December -2026. Vol. 4, No. 4
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pp 186-194

A Legal Review of the Process of Receiving, Examining, and Resolving Appeal Cases at the Surabaya High Court

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Abstract: This study aims to examine and analyze the legal compliance of the processes for receiving, reviewing, and resolving appeal cases at the Surabaya High Court based on the provisions of civil and criminal procedural law in force in Indonesia, as well as to identify the obstacles encountered and efforts to resolve them. The research method used is empirical legal research employing both a statutory approach and a case-based approach. The research findings indicate that the process of handling appeal cases at the Surabaya High Court has generally proceeded in accordance with positive law, such as Law No. 20 of 1947 for civil cases and Law No. 8 of 1981 (the Criminal Procedure Code) for criminal cases, and is supported by the implementation of digital administrative systems (e-Court and e-Berpadu). Nevertheless, several technical obstacles were still identified, such as delays in the submission of Bundle A and Bundle B from the referring District Court, as well as a high caseload that has the potential to hinder the principles of swift, simple, and affordable justice. Efforts undertaken include optimizing information technology-based coordination and enhancing the effectiveness of guidance provided to first-instance courts.

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INTRODUCTION

Filing an appeal in criminal procedure is a standard legal remedy that allows a party who disagrees with or feels aggrieved by a first-instance court's decision to seek a review by a higher court. The existence of the appeal process is a vital component of the criminal justice system because it serves as a mechanism for reviewing first-instance court decisions, both in terms of factual findings and the application of the law. Through this mechanism, errors in the trial process or in the rendering of a decision can be reviewed, thereby helping to ensure legal certainty, justice, and the protection of the rights of the parties involved in the case.(Shindy Dwianisa, 2025)

Legally speaking, the definition of an appeal is not specifically set forth in the Code of Criminal Procedure (KUHAP). In the literature on criminal procedure, an appeal is also known as a retrial because the appellate court has the authority to reexamine cases that have been decided by the trial court. This review includes an assessment of the facts revealed during the trial as well as the application of the legal provisions upon which the judgment was based. By virtue of this authority, the appellate court is known as the judex facti—that is, the court authorized to assess the facts and the application of the law in a case (Muh Amin Saleh & Junet Hariyo Setiawan, 2025).

The provisions governing appeals in criminal cases are currently based on Law No. 20 of 2025 on the Criminal Procedure Code. These provisions are set forth in Chapter XVI on Ordinary Legal Remedies, Part One concerning Appellate Review, specifically Articles 285 through 299. This series of provisions governs the procedures for filing an appeal, the filing deadline, the submission of the appellate brief, the transmission of case files, and the mechanism for review by the high court. The regulations governing appellate proceedings also grant the high court the authority to reexamine witness and expert testimony if deemed necessary, assess the possibility of errors in the first-instance

December -2026. Vol. 4, No. 4
e-ISSN: 3032-6591
pp 186-194

proceedings, and affirm, modify, or overturn the district court's decision and adjudicate the case itself (Shindy Dwianisa, 2025). In addition, the provisions of Article 26 of Law No. 48 of 2009 on Judicial Power remain relevant as a general basis for the right to appeal a first-instance court decision. This legal basis serves as a guideline for high courts in accepting, reviewing, and resolving appeals in accordance with applicable criminal procedure law.

The appeal process is not only related to the parties' right to challenge a first-instance court's decision, but also encompasses administrative and judicial procedures that must be carried out in an orderly manner(Fakhruddin & Nggeboe, 2019). Pursuant to Article 233 of the Criminal Procedure Code, an appeal may be filed by the defendant, a party specifically authorized to do so, or the public prosecutor within seven days after the judgment is rendered or after the judgment is notified to a defendant who was not present when the judgment was pronounced. The appeal must be filed through the clerk of the district court that adjudicated the case at the first instance. Subsequently, the request is recorded in a record of the appeal and notified to the other parties. If the appeal is filed after the prescribed time limit has expired, the right to appeal is forfeited, and the appeal must be declared inadmissible in accordance with the provisions of the Criminal Procedure Code.

Once the appeal has been accepted, the process moves on to the stage of review and resolution of the case in the high court. At this stage, the high court reviews the case file submitted by the district court, including the appeal brief and the response to the appeal brief, if filed by the parties(Aprillalita et al., 2025). The review aims to assess the accuracy of the trial court's decision based on the facts of the case and the provisions of applicable laws and regulations. The results of the review are then set forth in the appellate court's decision, which may affirm, modify, or overturn the trial court's decision. This series of processes demonstrates that the acceptance, review, and resolution of appeal cases are interrelated stages that require meticulousness, administrative precision, and the consistent application of procedural law.

The Surabaya High Court, as one of the appellate judicial institutions, plays a crucial role in conducting the review and resolution of criminal cases submitted by district courts within its jurisdiction. The exercise of this authority must ensure consistency between the provisions of criminal procedural law and the administrative practices and case review procedures within the court. This is crucial because every stage—from the receipt of appeal case files, the review of administrative completeness, the hearing process by the panel of judges, to the issuance of the judgment—must be carried out in accordance with established procedures and time limits. Based on this description, a legal study is needed to determine how the legal provisions are formulated and how they are implemented in judicial practice. On this basis, this research is titled "A Legal Review of the Process of Receiving, Examining, and Resolving Appeal Cases at the Surabaya High Court."

RESEARCH METHOD

This study employs an empirical-juridical method (sociological jurisprudence), which combines a normative analysis of statutory provisions with an examination of their practical implementation in the Surabaya High Court (Mushafi, 2025). The approaches used include the statutory approach to examine Law No. 20 of 1947 and Law No. 8 of 1981, as well as the case approach to analyze the reality of appellate case resolution. Data sources include primary data from observations of case management and secondary data in the form of laws and regulations, legal literature, and court decisions.

RESULT AND DISCUSSION

December -2026. Vol. 4, No. 4
e-ISSN: 3032-6591
pp 186-194

The Process for Accepting Appeal Cases at the Surabaya High Court

Legal proceedings regarding the detention case are initiated after the court issues a ruling, which is based on the principle of deliberation to reach a consensus. After the judge's ruling is issued, the defendant is given the opportunity to decide whether to pursue legal remedies or accept the decision, if they feel the panel of judges' decision does not meet the standards of justice. If the defendant accepts the decision and the public prosecutor does not file an appeal, the legal process will conclude with the verdict handed down by the panel of judges. (Andika, 2025). Decisions made by the panel of judges are based on the facts and circumstances revealed during the trial. This includes all information presented by the relevant parties, such as the prosecutor, witnesses, experts, the defendant, legal counsel, and victim-witnesses. Following the verdict—particularly in cases involving sentencing—the presiding judge is obligated to inform the convicted person of their rights in accordance with Article 196(3) of the Criminal Procedure Code (KUHAP), which include: 1) The right to immediately reject or accept the verdict. 2) The right to review the decision before deciding to accept or reject it within 7 (seven) days after the decision is rendered or after the defendant who was absent has been notified of it. 3) The right to request a stay of the judgment's execution within the time period prescribed by law to file a petition for clemency if the convicted person accepts the judgment. 4) The right to file an appeal within 7 (seven) days after the judgment is rendered or after the defendant is notified of the judgment, as provided in Article 196, paragraph (2), in conjunction with Article 233, paragraph (2) of the Criminal Procedure Code. 5) The right to immediately withdraw a statement of objection to a decision during the appeal process before the court issues its decision.

In criminal proceedings, the judge is required to inform the defendant of his or her rights, including the right to appeal the decision rendered (Idul et al., 2026). This is important so that defendants understand the options available to them to defend their rights if they are dissatisfied with the court's decision. With clear information about the defendant's rights—including the right to appeal—both the defendant and the prosecutor have an equal opportunity to pursue legal remedies if they feel that the judge's decision is inappropriate or unsatisfactory. This process is expected to ensure the protection of the defendant's rights and to foster a fairer judicial process.(Nawawie & Johan, 2019).

The filing of legal remedies by a convicted person aims to ensure the protection of their fundamental rights and to achieve optimal law enforcement in accordance with the values of justice. This is crucial to ensure that the fundamental rights of convicted persons are safeguarded and that the rule of law is properly upheld. These remedies are essential for convicted persons as part of their right to a defense.

If a person is dissatisfied with a trial court's decision, they may file an appeal with a higher court. Both the defendant and the prosecutor may file an appeal to request that the appellate court reconsider the trial court's decision. (Irham, 2025). In criminal procedure law, an appeal is considered a retrial. In this case, the appellate court judge will reexamine all aspects of the criminal case, including the facts and the application of the law. Consequently, the judicial process at the appellate level is usually referred to as "judex factie." The purpose of an appeal is to prevent arbitrariness or abuse of authority by the court at the first instance. Another purpose of the review is to ensure that applicable laws and regulations are followed, so that evaluations and decisions at the trial court level can be made flexibly and proportionally. Any errors or shortcomings committed by the judge at the trial court level must be corrected by the appellate court judge. The appeals process is initiated because the prosecutor or the defendant is dissatisfied with the District Court's decision. Furthermore, the appeals process also aims to assure the public that the laws in effect in our country are fair and just..

December -2026. Vol. 4, No. 4
e-ISSN: 3032-6591
pp 186-194

Technically, Article 233, paragraphs (1) through (5), sets forth the procedures that must be followed by parties wishing to file an appeal, as follows:

a. Only the defendant or the prosecutor has the right to file an appeal with the High Court.
b. Counter 2 is responsible for preparing the defendant's request for time to consider, the appeal petition, the request for a postponed appeal, and the request to withdraw the appeal.
c. The appeal petition shall be recorded in the appeals register and the main criminal case file by the relevant official.
d. A request for appeal must be filed within 7 (seven) days after the judgment is rendered or 7 (seven) days after the defendant's failure to appear at the time the judgment was announced
e. An appeal filed after the prescribed time limit may be accepted, provided that the Court Clerk issues a Certificate stating that the appeal was filed after the time limit and attaches it to the case file.
f. If the petitioner is absent, the court clerk must record the absence along with the reason and include this in the case file.
g. An appeal filed by one party against another must be served by the court clerk.
h. The date of receipt of the brief and the counter-brief for the appeal must be recorded in the register. In addition, copies of the brief and the counter-brief must be served on the other party, accompanied by a notice of service.
i. If the Appellant has not submitted a brief of appeal but the case file has already been sent to the High Court, the Appellant may directly submit the brief to the High Court, and a copy of said brief must be forwarded to the District Court to be transmitted to the other party.
j. The petitioner must be given 7 (seven) days to review the case file at the District Court before the file is sent to the High Court.
k. If the petitioner wishes to examine the case file at the High Court, a written request must be submitted to the Chief Judge of the District Court.
l. When an appeal is filed, the appeal case file—consisting of bundles "A" and "B"—must be sent to the High Court within a maximum of fourteen days, in accordance with Article 236(1) of the Criminal Procedure Code.
m. As long as the High Court has not yet rendered a decision on the appeal, the appeal may be withdrawn at any time. To that end, the Court Clerk shall prepare a Deed of Withdrawal of Appeal, signed by the Court Clerk and the party withdrawing the appeal, and acknowledged by the Chief Judge of the District Court. This deed is then sent to the High Court.
n. The defendant and the public prosecutor must be notified of the High Court's decision via a Notice of Decision.
o. The registry clerk must record all actions related to the appeal case and the execution of the decision in the appropriate registry book.
p. Duties at the Second Desk are carried out by the Junior Criminal Court Clerk, under the direct supervision of the Deputy Court Clerk.

Article 234(1) stipulates that the 7 (seven)-day deadline for filing an appeal is absolute. If no appeal is filed within that deadline, the party concerned is deemed to have accepted the decision, and the decision shall have the force of law. However, if the defendant, legal counsel, or the public prosecutor files an appeal after that deadline, the court clerk will prepare a statement regarding the late filing of the appeal, which will be acknowledged by the presiding judge and signed by the court clerk. Consequently, the case file will not be forwarded to the High Court. Under the law, a period of seven days is deemed sufficient to review the decision and take legal action to file an appeal. The defendant and the prosecutor have the right to file an appeal brief in accordance with Article 237 of the Criminal

December -2026. Vol. 4, No. 4
e-ISSN: 3032-6591
pp 186-194

Procedure Code, As long as the High Court has not yet commenced the hearing of the case at the appellate level, both the defendant and his or her counsel, as well as the public prosecutor, may submit a brief of appeal or a counter-brief of appeal to the High Court through the District Court (Aprillalita et al., 2025). Terdakwa atau kuasanya, serta penuntut umum, tidak diwajibkan untuk membuat dan menyerahkan memori banding atau kontra memori banding, sesuai dengan istilah "dapat". Kontra memori banding adalah surat yang berisi argumen atau pertimbangan yang menentang atau tidak setuju dengan putusan Pengadilan Negeri.

Under Article 240(1) of the Criminal Procedure Code in conjunction with Article 241(1) of the Criminal Procedure Code, the High Court may order the District Court to correct its decision or may correct it itself if it finds errors, omissions, or negligence in the application of procedural law during the trial at the first instance. According to Article 241 of the Criminal Procedure Code, a decision on appeal by the High Court may take the following forms:

1) Affirming the decision already rendered by the District Court.

2) Modifying the decision rendered by the District Court.

3) Overturning the District Court's decision, allowing the High Court to issue a new decision based on its own deliberations.

The High Court overturned the decision made by the District Court because it was inconsistent with its reasoning. This can occur if the High Court finds that there was an error in the application of the law, a deficiency in the analysis of the facts, or other grounds that render the District Court's decision inappropriate. Thus, the higher court seeks to ensure justice and legal certainty in every case. Pursuant to Article 226(1), after the District Court receives the decision from the High Court, an excerpt from the decision is served on the defendant and his or her counsel. In practice, the excerpt from the judgment refers to the operative part of the judgment, which is typically located on the last page of the judgment document. According to Article 226(2), a copy of the judgment must be provided to the investigating officer and the public prosecutor. However, the defendant or their legal counsel may only receive it if they submit a request. This ensures that all relevant parties have clear access to the decision reached, although the right of the defendant and their legal counsel to receive a copy of the judgment is contingent upon making a request..

The Process of Reviewing and Resolving Appeal Cases by the Judex Facti Judge

The appellate courts in Indonesia play a crucial role in the tiered judicial system. At this level, the panel of judges at the High Court acts as the second-instance Judex Facti—that is, a court with the authority to comprehensively review the case, both in terms of the application of the law and the assessment of the facts revealed during the first-instance trial. Unlike the Supreme Court, which acts as a Judex Juris (examining only the application of the law), Judex Facti judges are granted full authority to re-evaluate the evidence, witnesses, and legal interpretation of events as determined by the District Court or the Religious Court(Said & Erfandi, 2023).

Stages of the Appeal Process

The appeal process begins when the appellant (the party dissatisfied with the first-instance decision) files an appeal through the clerk of the first-instance court within the time limit specified by law(Agustin & Candra, 2026). Once the petition, appeal brief, and counter-appeal brief—collectively known as Bundle A and Bundle B—are complete, the case files are submitted to the competent High Court. At the appellate level, the Chief Justice of the High Court will appoint a panel of judges consisting of a presiding judge and associate judges to review the case collegially.

In practice, the review by the fact-finding judge is generally conducted through a desk review of the case file. The panel of judges will examine all the trial transcripts from the first-instance

December -2026. Vol. 4, No. 4
e-ISSN: 3032-6591
pp 186-194

proceedings, written evidence, witness testimony, and the legal reasoning of the previous judge. (Nurmalita Sari, 2021). Nevertheless, under procedural law, the Judex Facti judge has the discretionary authority to summon the parties or witnesses, or even to conduct an examination personally if deemed necessary to ascertain the material truth, although this is very rarely done except in specific situations in civil or special criminal cases.

Forms of Judgments and Case Resolution

After the panel of judges has deliberated in a closed and confidential session, the Judex Facti will issue a final judgment, which generally results in one of the following forms of disposition:

1. Affirming the judgment of the trial court, if the panel of judges finds that the legal reasoning and factual findings below are accurate and correct.
2. Amending the judgment, if there are minor errors in the application of the law or in the calculation of the judgment (for example, regarding fines or the length of detention).
3. Overturning the first-instance court's judgment, after which the appellate panel will hear the case itself (aanhouden) and issue a new judgment.
4. The resolution of a case at the appellate level serves as the last line of defense for those seeking justice to correct any factual errors that were overlooked or misjudged by the trial court, before the case can ultimately proceed to the cassation stage.

Legal and Technical Obstacles and Efforts to Resolve Them

Although the management of appeal cases at the Surabaya High Court has been conducted in accordance with the provisions of both criminal and civil procedural law, implementation on the ground still faces a number of legal and technical obstacles. These obstacles primarily arise during the transition and harmonization period between conventional procedural law and the electronic-based court administration system.

Delays in the Submission of Case Files A and B: Pursuant to Article 236(1) of the Criminal Procedure Code (KUHAP) and civil case administration regulations, appeal case files must be submitted by the referring District Court to the High Court no later than 14 (fourteen) days after the appeal petition is filed. (Seregig et al., 2024). In practice, delays in the submission of appeals often occur due to the slow completion of the transcript of the judgment at the first-instance level, difficulties in serving notices (relaas) to parties domiciled outside the jurisdiction, and delays in the submission of briefs and counter-briefs on appeal. These delays have a direct impact on the extension of the defendant's detention period, which must be requested from the High Court.

Operational Challenges with the e-Berpadu and SIPP Applications: While the implementation of the Case Tracking Information System (SIPP) and the Integrated Criminal Case File (e-Berpadu) application has indeed accelerated the coordination process, it is often hampered by technical issues. (Anjani et al., 2026). Common obstacles include server instability or network disruptions when uploading large case files (scans of Bundle A and Bundle B), discrepancies in data input between the District Court's SIPP and the High Court's SIPP, as well as unclear or incomplete document scans, which make it difficult for the appellate panel to conduct a desk review of the case files. In addition, differences in digital literacy levels among judicial officials and external law enforcement personnel (prosecutors and attorneys) sometimes cause delays in the verification of electronic documents. Furthermore, the High Case Load: As an appellate court overseeing dozens of District Courts throughout the province of East Java, the Surabaya High Court faces an extremely high case load ratio every year. The imbalance between the number of incoming cases and the number of available High Court judges has the potential to hinder the optimization of the principles of swift, simple, and affordable justice (contante justitie).

December -2026. Vol. 4, No. 4
e-ISSN: 3032-6591
pp 186-194

Resolution efforts are carried out through coordination and monitoring based on information technology. The Surabaya High Court periodically conducts monitoring and evaluation (M&E) of compliance with data entry requirements in the SIPP and e-Berpadu systems across all District Courts within the East Java judicial jurisdiction. These efforts are accompanied by the establishment of standard operating procedures (SOPs) regarding the format and resolution of digital documents to ensure the completeness of electronic files before they are submitted. Enhancing the Effectiveness of Regional Guidance and Supervision (Hatibinwasda): Through Regional Supervising High Court Judges, the Surabaya High Court provides both in-person and online guidance to the clerks' offices of the requesting District Courts, particularly regarding adherence to deadlines for case file transcription and compliance with submission deadlines for Bundle A and Bundle B as mandated by law. Strengthening Human Resource Capacity and Digital Infrastructure: Conducting ongoing technical guidance (bimtek) for deputy court clerks, court officers, and IT operators regarding updates to features in the e-Court, e-Berpadu, and SIPP applications, as well as coordinating with the Supreme Court on server capacity maintenance to minimize technical obstacles during the electronic case file transfer process.

CONCLUSION

The process for accepting an appeal at the Surabaya High Court begins when a defendant or public prosecutor who is dissatisfied with a District Court's decision files an appeal through the District Court's clerk's office within a strict 7-day deadline after the decision is rendered or notified, as provided for in Article 233(2) of the Criminal Procedure Code. The request is recorded in the register, served on the opposing party, and may be accompanied by a brief or a counter-brief, both of which are optional. The appellant is also given the opportunity to review the case file for 7 days at the District Court; thereafter, case bundles A and B are forwarded to the High Court no later than 14 days after the appeal is filed (Article 236(1) of the Criminal Procedure Code). Until a decision is rendered, the appeal may still be withdrawn. At the High Court, the Chief Justice appoints a panel of judges who act as the second-instance judex facti—that is, they reassess the facts and the application of the law, generally through a review of the case files—and render a decision to uphold, amend, or overturn the District Court's judgment before adjudicating the case themselves. This decision is then served on the parties through the District Court. In practice, this process is still hampered by delays in the transmission of case files, technical glitches in the SIPP and e-Berpadu applications, and a heavy caseload throughout the East Java region. To address these issues, the Surabaya High Court conducts monitoring and evaluation, establishes standard operating procedures (SOPs) for digital documents, provides guidance through Regional Supervising High Court Judges, and organizes ongoing technical training for judicial officials.

RECOMMENDATION

The Surabaya High Court needs to improve the effectiveness of its coordination with all District Courts within its jurisdiction, particularly in ensuring the timely submission of appeal case files—both Bundle A and Bundle B—in accordance with applicable procedural law. Optimizing the use of electronic case management systems, such as SIPP and e-Berpadu, must also be accompanied by improvements in the quality of information technology infrastructure, regular server maintenance, and the standardization of digital document quality so that the case receipt and review processes can run more effectively. In addition, ongoing training and supervision of court clerks are necessary to minimize administrative errors and delays in case processing.

In the process of reviewing and resolving cases, the Surabaya High Court must optimize case load management by improving the effectiveness of task allocation among panels of judges and strengthening oversight of case resolution in accordance with applicable time standards. Case review must also prioritize thoroughness in assessing trial facts, evidence, and the application of the law so that appellate decisions reflect legal certainty, justice, and the best interests of the parties. Further research is recommended to examine in greater depth the effectiveness of the implementation of electronic court administration, as well as the impact of delays in the submission of case files and high case volumes on the time required to resolve appellate cases, in both criminal and civil matters.

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