

# Effectiveness of Charging Criminal Court Costs on The Implementation of Criminal Cases Based on Article 222 of the KUHAP

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**Abstract.** This study investigates the effectiveness of charging court costs in criminal cases as regulated in Article 222 of the Indonesian Criminal Procedure Code (KUHAP). It aims to examine the role of court cost imposition in ensuring the effective implementation of criminal case decisions and the implications for justice and judicial efficiency. Using a normative-juridical approach and qualitative descriptive analysis, the research relies on library research methods, including the review of statutory regulations, legal doctrines, and relevant case decisions. The findings reveal that while the imposition of court costs is a mandatory component of criminal verdicts, its practical enforcement often encounters various challenges. In many cases, defendants do not immediately fulfill their obligation to pay, either due to financial incapacity or unwillingness. The absence of a standardized mechanism to assess a defendant's ability to pay adds further complexity to the execution process. This study emphasizes the need for a clearer and more consistent legal framework that enables the verification of a defendant's financial status. When a defendant is genuinely unable to pay, the burden may be shifted to the state in order to ensure access to justice and prevent undue penal consequences. However, if the defendant is financially capable yet refuses to comply, law enforcement authorities may impose execution delays or use procedural means to compel payment, which in turn may impact the execution of the sentence. Ultimately, the study underscores the importance of enforcing court cost obligations to uphold both justice and procedural effectiveness in the administration of criminal law.

**Keywords:** court costs, criminal case, effectiveness, KUHAP, legal enforcement.

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## 1. INTRODUCTION

Indonesia, as a state based on law, holds the principle that legal systems serve to uphold justice and public welfare. Law functions not only to maintain social order and prevent arbitrary acts but also to ensure that justice is carried out fairly and efficiently. One essential principle in the administration of justice is the concept of a judicial process that is simple, quick, and low-cost, as emphasized in Article 2 paragraph (4) and Article 4 paragraph (2) of Law Number 48 of 2009 on Judicial Power. These provisions mandate that the judiciary should eliminate obstacles and barriers to justice for all citizens, particularly in criminal proceedings.

In this context, the imposition of court costs in criminal cases becomes a critical aspect of enforcing judicial decisions. According to Article 222 of the Indonesian Criminal Procedure Code (KUHAP), any convicted individual is required to pay court costs as part of their legal obligation. However, this provision often faces practical challenges, such as delays in payment or the inability of defendants to fulfill the obligation. While the law provides a mechanism for the state to cover costs when defendants are genuinely unable to pay, it lacks clarity in enforcement procedures, particularly in distinguishing between inability and unwillingness to pay (Sudikno Mertokusumo, 2010).

These implementation gaps raise questions about the effectiveness of charging criminal court costs and the legal system's capacity to enforce such mandates. If not addressed properly, the inability to enforce court cost obligations may undermine the integrity of the justice system and compromise the principle of equal treatment before the law. Previous studies have emphasized the importance of legal certainty and procedural

fairness in criminal justice systems (Marzuki, 2017), yet specific attention to the court cost component remains limited in scholarly discourse.

This study, therefore, aims to analyze the effectiveness of court cost imposition in criminal cases as regulated in Article 222 of KUHAP. It focuses on two core research questions: (1) how the imposition of criminal court costs affects the effectiveness of criminal case implementation, and (2) how enforcement efforts can be improved to ensure compliance with legally binding court decisions. The research employs a normative-juridical method, using statutory, conceptual, and case-based approaches, and draws data primarily from legal literature and judicial documents.

The significance of this study lies in its potential contribution to the refinement of legal frameworks and judicial practices regarding court cost enforcement. By identifying key obstacles and proposing actionable solutions, this research offers practical and theoretical insights that support more effective and humane implementation of criminal justice. Ultimately, the study seeks to promote justice, legal certainty, and administrative efficiency in Indonesia's criminal legal system.

## 2. LITERATURE REVIEW

The effectiveness of charging court costs in criminal cases, particularly based on Article 222 of the Indonesian Criminal Procedure Code (KUHAP), is a topic that intersects the broader domain of criminal law, procedural justice, and judicial policy. Previous research and theoretical reflections have extensively examined criminal liability, the function of punishment, the procedural rights of defendants, and the duties of judicial actors. However, little scholarly attention has been paid to the specific implementation mechanisms and legal implications of charging court costs in Indonesia's criminal justice system.

### Criminal Acts and Liability

A foundational concept in criminal law is the definition and classification of criminal acts (*strafbaar feit*). Scholars such as Pompe and Van Hamel emphasize that a criminal act must consist of an unlawful human act, culpability, and punishability (Pompe in Arief, 2008; Van Hamel in Adji, 2015). The debate extends to whether criminal acts are formal (based on conduct) or material (based on consequence), a distinction important in determining the elements required for a conviction. Furthermore, the dual classification of crimes into *rechtsdelicten* (based on moral wrongs) and *wetsdelicten* (based on statutory violations) shows that the criminalization process is both normative and policy-driven (Moeljatno, 2007).

Despite the clarity of classification, there is a gap in how these foundational concepts relate to procedural responsibilities post-conviction, particularly the imposition of financial obligations like court costs. Scholars often neglect the impact of these administrative burdens on convicted individuals and the enforcement challenges faced by the state.

### Criminal Justice and the Role of Legal Costs

The imposition of court costs, although not classified as a criminal punishment under Article 10 of the Penal Code, holds a critical role in the structure of judicial decision-making. As stipulated in Article 222 of the KUHAP, every convicted person must bear court costs unless acquitted, in which case the state assumes responsibility. This regulation aligns with the principle of "simple, fast, and low-cost justice" as outlined in Law No. 48 of 2009 (Judicial Power Law).

However, the application of this principle in practice reveals inconsistencies. For instance, although the court's verdict may include the imposition of costs, enforcement by prosecutors is often not prioritized, especially in cases involving indigent defendants. Scholars such as Mertokusumo (2010) and Radbruch (in Rahardjo, 2009) underline the importance of legal certainty in judicial administration. Still, they fall short of offering procedural solutions to bridge normative provisions and administrative implementation. Thus, while theoretical frameworks exist, empirical gaps remain regarding mechanisms to verify a defendant's inability to pay and enforce collection when the obligation is disregarded.

### Judicial Discretion and Court Rulings

The judiciary's role in ensuring justice goes beyond applying legal norms—it requires interpreting laws in a way that reflects fairness, proportionality, and societal interests. Judges' considerations are multifaceted, involving legal, moral, and factual analyses (Mahfud MD, 2012). However, in many decisions, the imposition of court costs is treated perfunctorily and lacks in-depth consideration of the defendant's economic condition or the broader implications of non-compliance.

This raises the issue of whether judicial discretion is sufficiently exercised to ensure substantive justice in the imposition of court costs, or whether judges rely excessively on procedural formalities. Otto (2000) emphasizes that legal certainty should reflect both normative clarity and contextual fairness. The current system lacks a systematic method for verifying defendants' ability to pay or for invoking Article 222(2), which allows the state to bear costs for indigent defendants.

### Theoretical Perspectives

From a theoretical standpoint, this study draws on the principle of simple, fast, and low-cost justice, legal certainty theory, and restorative approaches to legal obligations. According to Sudikno Mertokusumo (2010), legal certainty must be supported by clear procedures and institutional accountability, especially in administrative enforcement. Meanwhile, Radbruch's legal philosophy warns of the dangers of overly rigid positivism when justice is not served.

Additionally, the deterrent function of judicial sanctions—including non-criminal penalties such as court costs—should be examined through the lens of utilitarian and consequentialist theories. If effectively enforced, such measures could increase compliance, provide state revenue, and reinforce the authority of judicial decisions. If unenforced, they risk becoming symbolic, weakening respect for the legal system.

### Previous Research Insights and Gaps

Gunawan (2018), in his study of legal cost imposition in Sharia economic disputes, found that inconsistencies in charging court costs lead to legal uncertainty. Judges often exercise discretionary powers without aligning with established procedural norms, resulting in potential judicial overreach. This finding, although from a different legal domain, mirrors issues observed in criminal case contexts, especially regarding clarity, predictability, and enforcement.

What remains underexplored in both doctrinal and empirical research is the extent to which Article 222 KUHAP is applied in practice, the mechanisms for verifying defendants' economic status, and the long-term effects of non-payment on criminal justice outcomes. The literature lacks comprehensive studies analyzing procedural enforcement, institutional accountability, and normative interpretations concerning court cost obligations.

## 3. METHODS

This study adopts a normative-juridical research method, which is a standard approach in legal scholarship used to systematically analyze legal norms, principles, doctrines, and statutory provisions relevant to specific legal issues. Rather than testing empirical hypotheses, this type of research aims to assess legal consistency and provide prescriptive recommendations grounded in legal reasoning (Soekanto & Mamudji, 2001). The primary focus of this study is to examine the legal effectiveness and enforcement mechanism of charging criminal court costs under Article 222 of the Indonesian Criminal Procedure Code (KUHAP). Within the normative juridical framework, the research investigates the internal coherence of legal norms through a structured interpretation of statutory texts and established doctrines. This method is particularly valuable in identifying discrepancies between legislative provisions and their practical implementation while offering legal solutions to close those gaps (Peter Mahmud Marzuki, 2005). To strengthen its normative foundation, the study applies both a statutory approach and a conceptual approach, as classified by Hutchinson and Duncan (2012). The statutory approach involves a close examination of formal regulations, including KUHAP (Law No. 8 of 1981), the Indonesian Criminal Code (KUHP), Law No. 48 of 2009 on Judicial Power, Supreme Court Circular Letters, and relevant ministerial regulations. These are analyzed

to ensure that interpretations of Article 222 align with the legal hierarchy and broader constitutional principles. Simultaneously, the conceptual approach is employed to incorporate legal theories, expert commentaries, and scholarly opinions regarding the functions of criminal procedure, legal cost enforcement, and the principles of procedural fairness. This includes engagement with foundational concepts such as Radbruch's principle of legal certainty (in Rahardjo, 2009) and the tenet of fast, simple, and low-cost justice as articulated by Mertokusumo (2010). The sources of legal material in this research include both primary and secondary legal documents. Primary sources comprise the 1945 Constitution, KUHAP, KUHP, Law No. 48/2009, Supreme Court Circulars (SEMA), and relevant judicial decisions, all of which carry authoritative legal weight. Secondary sources include textbooks, peer-reviewed journal articles, legal encyclopedias, dictionaries, and online databases, which offer interpretative support and critical analysis of statutory provisions. Legal materials were collected using library research (*studi kepustakaan*), involving a thorough review of printed and electronic resources, court decisions, legal commentaries, and legislative compilations. The materials were then organized and classified according to type and relevance to the research objectives, with particular attention given to texts addressing procedural enforcement and legal cost jurisprudence. Analysis of the collected legal materials employed a qualitative method grounded in deductive reasoning. Starting from general legal doctrines, the study narrows its scope to the specific interpretation and application of Article 222 within Indonesian criminal proceedings. A perspective analysis was used to evaluate how these norms are applied in practice, examining their alignment with theoretical constructs and judicial standards (Ibrahim, 2006). The deductive approach also allowed for the identification of normative weaknesses and enabled the researcher to propose legally sound recommendations for improving the regulation and imposition of criminal court costs. The validity of the findings was enhanced through triangulation of statutory interpretation with doctrinal analysis and policy-based critique, ensuring that the conclusions are robust, legally grounded, and contextually relevant.

#### 4. RESULTS

The findings of this study explore the effectiveness of charging criminal court costs in accordance with Article 222 of the Indonesian Criminal Procedure Code (KUHAP), focusing on the functional, legal, and practical aspects of court cost imposition within Indonesia's criminal justice system. This section draws upon descriptive doctrinal analysis and comparative normative inquiry, with support from theoretical frameworks such as Soerjono Soekanto's legal effectiveness model and international legal aid practices. Although no numerical primary data was obtained due to the doctrinal nature of this legal study, the qualitative data was systematically categorized into functional roles of court costs, institutional implementation barriers, legal loopholes in KUHAP, and comparative analysis across five legal systems.

First, from a descriptive normative perspective, court costs in Indonesia are legally mandated under Article 222 of the KUHAP, which states that if a defendant is found guilty, they must bear the court costs; conversely, if acquitted, the state assumes the responsibility. However, further analysis reveals that the absence of detailed implementation mechanisms and enforcement measures severely hinders the operationalization of this provision. There are no binding regulations or clear sanctions that compel defendants to pay after sentencing, which results in the burden being transferred—*de facto*—to the prosecutor's office or the state. This procedural gap diminishes legal certainty and risks contradicting the principle of procedural justice and accountability (KUHAP, 1981; Law No. 48 of 2009).

In terms of inferential reasoning based on doctrinal and theoretical frameworks, this study adopts Soerjono Soekanto's effectiveness model which highlights five key dimensions—legal substance, legal structure, supporting facilities, community legal awareness, and cultural values—that determine the efficacy of a legal norm. Applying this framework to Article 222 KUHAP, it becomes evident that although the legal substance exists, the structure (i.e., enforcement mechanism) and facilities (such as payment infrastructure or verification systems) are underdeveloped. For example, the Decree of the Minister of Justice No. M.14-PW.07.03/1983 only stipulates that court costs should range from Rp. 500 to Rp. 10,000, a nominal value that does not reflect the actual administrative

expenses incurred during criminal proceedings. This discrepancy implies that the intended function of court costs—to assist in financing court operations—has been largely symbolic rather than functional (Ministry of Justice, 1983).

The inferential findings further demonstrate that the court cost policy does not adequately promote equitable access to justice. The absence of mandatory means-testing to assess the defendant's financial capacity undermines the principle of affordability and fairness, especially when defendants are economically disadvantaged. The implementation of Article 222(2) KUHP, which allows the state to bear court costs for indigent defendants, is also rarely applied due to the lack of formal verification procedures and reluctance from judicial officers to process such exemptions, as supported by legal commentaries (Indrayana, 2009). Furthermore, the allocation of the court cost burden without assessing the socio-economic conditions of the defendant contradicts the non-penal character of these costs as outlined in Article 10 of the Indonesian Penal Code (KUHP), which states that costs should not be punitive but rather administrative and humanitarian in nature (KUHP, 2023).

From the standpoint of judicial integrity and institutional trust, transparency and predictability in the determination of court costs are vital. Yet, this study finds that transparency remains weak, as there are no standardized criteria for determining the exact amount charged, nor is there an accessible record system to track payments or defaults. According to the Supreme Court's Decree No. 2-144/KMA/SK/VIII/2022, public access to information in courts is mandatory, but its application to court cost imposition is still ambiguous and inconsistently enforced (Mahkamah Agung RI, 2022).

To contextualize these findings, the study compares the Indonesian framework with criminal court cost systems in five jurisdictions—United States, United Kingdom, Australia, Germany, and India. In the U.S., although public defenders are available for the indigent, many jurisdictions impose criminal court costs on convicted individuals, including administrative fees and investigative reimbursements, but allow waivers or sliding-scale payments based on financial capacity (Spencer & Spencer, 2018). In the U.K., the criminal cost system integrates means-tested legal aid, allowing the state to bear costs in cases of acquittal and imposing only proportionate costs in cases of conviction. Australia applies a hybrid model, combining legal aid with payment deferrals and judicial discretion, while Germany employs a robust financial assessment system before imposing any criminal court costs on convicted individuals. India, through the National Legal Services Authority (NALSA), also provides structured legal aid and allows exemptions for defendants who are proven indigent (NALSA, 2022).

This comparative framework reinforces the inferential conclusion that a just and effective court cost system must include: (1) a reliable financial capacity assessment mechanism; (2) a transparent and standardized determination of cost components; (3) accessible payment methods integrated with national finance systems; and (4) legal sanctions or civil execution procedures in cases of deliberate non-payment by capable defendants. The absence of these elements in Indonesia renders the current implementation ineffective and contrary to the principles of simple, fast, and low-cost judicial administration as mandated by Article 2 paragraph (4) of Law No. 48/2009.

Lastly, this study identifies five practical policy recommendations as part of the legal implementation strategy: (1) verify the defendant's economic status through a court-appointed officer or the public prosecutor to determine eligibility for state subsidy; (2) allow installment-based or deferred payments post-verdict with judicial approval; (3) impose civil execution (e.g., property seizure) in cases of refusal to pay by financially capable defendants; (4) integrate bank-based digital payment channels linked to court records to enable automatic verification; and (5) permit discretionary waiver by the judiciary where payment would hinder rehabilitation or contradict restorative justice principles. These options are consistent with legal doctrines and practices in international systems and should be codified in Indonesian law to enhance consistency and legal effectiveness.

## 5. DISCUSSION

The main purpose of this study was to analyze the effectiveness of charging criminal court costs based on Article 222 of the Indonesian Criminal Procedure Code (KUHP), and to evaluate whether such imposition supports the principles of justice, procedural efficiency, and judicial integrity within the criminal justice system. By using a doctrinal

normative method and comparative legal analysis, this study has shed light on the theoretical and practical dimensions of court costs and their broader implications for legal effectiveness in Indonesia. The importance of this research lies in its contribution to the ongoing discourse on judicial reform, particularly concerning the equitable implementation of court cost policies and the broader goal of upholding access to justice and fair treatment for all defendants regardless of their socioeconomic status.

The findings of this study reaffirm that court costs are indeed embedded within the framework of low-cost and expedited justice, as mandated by Article 2 paragraph (4) and Article 4 paragraph (2) of Law No. 48 of 2009 concerning Judicial Power. This provision is aligned with global principles of fair trial and efficient case processing. However, the analysis revealed several critical challenges that hinder the effective implementation of Article 222 of KUHAP. These include a lack of enforcement mechanisms, vague procedural definitions, absence of financial capacity assessments, and underdeveloped institutional infrastructure for collecting court fees. These findings align with Soerjono Soekanto's theory of legal effectiveness, which emphasizes that a legal norm will only be effective if its substance, structure, culture, and facilities are adequately developed and synchronized (Soekanto, 1986).

When viewed through the lens of comparative jurisprudence, the imposition of court costs in countries like the United States, United Kingdom, Germany, Australia, and India offers valuable insights. For instance, the existence of structured financial means assessments in Germany and the UK provides a procedural safeguard that prevents unjust imposition on economically vulnerable defendants (Spencer & Spencer, 2018). In contrast, Indonesia's KUHAP lacks such procedural detail, which makes the application of Article 222(2)—allowing state payment of costs for indigent defendants—difficult to enforce consistently. The comparative analysis also reveals that other jurisdictions often permit fee waivers, installment payments, or deferment options based on judicial discretion, as seen in Australia and the United States. These practices demonstrate that the equitable imposition of court costs does not merely rely on statutory stipulations but on institutional mechanisms that operationalize legal principles into practice (Freiberg & Gelb, 2021).

The findings of this study support the view that while the normative objective of imposing court costs—to ensure judicial efficiency and prevent frivolous litigation—is sound, its practical enforcement in Indonesia is still inadequate. This inadequacy is evidenced by the absence of binding sanctions for non-payment, the lack of electronic or banking integration for payment tracking, and the absence of institutional coordination between the judiciary and prosecution for cost collection during the execution of judgments. Consequently, court costs—meant to be a neutral administrative obligation—risk becoming either symbolic or disproportionately burdensome, especially for indigent defendants who may already be subjected to other penalties such as imprisonment.

Unexpectedly, the research also found that while judges often include court costs in their verdicts, many public prosecutors assume responsibility for payment during the execution phase, especially when defendants are uncooperative or unreachable. This practice, although practical, undermines the authority of judicial decisions and contributes to inefficiencies in the justice system. It also raises constitutional concerns regarding the division of responsibilities between the judiciary and the executive, particularly in terms of financial accountability and the implementation of court rulings (Indrayana, 2009).

From a theoretical perspective, this study highlights the tension between procedural justice and substantive justice. While the procedural inclusion of court costs fulfills the statutory obligation under Article 222 KUHAP, its substantive justice depends on how fairly and proportionally it is applied in practice. If court costs are imposed uniformly without regard for the defendant's financial situation, the justice system may inadvertently perpetuate inequality, thereby violating the principle of non-discrimination in access to legal remedies as endorsed in international human rights frameworks (UNODC, 2015).

The practical implications of these findings are significant for judicial administration and policy reform. First, there is a clear need for the Supreme Court or the Ministry of Law and Human Rights to issue an implementing regulation or technical guideline that standardizes court cost assessments, enforces financial capability verification, and establishes digital platforms for payment and tracking. Second, prosecutors and judges should be empowered to recommend the suspension, reduction, or transfer of court cost responsibilities to the state in cases of proven economic incapacity, following restorative justice principles. Third, integration with banking systems and the establishment of PNPB

(Penerimaan Negara Bukan Pajak) accounts for real-time payment would promote transparency and financial accountability within the court system (Mahkamah Agung, 2022).

In addition to domestic considerations, the study's implications resonate with international practices and standards. For example, in India, the National Legal Services Authority (NALSA) ensures that court cost imposition does not obstruct justice for the underprivileged by offering legal aid and court fee exemptions (NALSA, 2022). Likewise, in the United States, federal and state courts routinely assess a defendant's financial means before imposing court costs and allow payment plans or community service alternatives when appropriate. These international models underscore the importance of embedding flexibility, proportionality, and human dignity into procedural obligations, particularly when dealing with economically marginalized populations.

Nevertheless, this study is not without limitations. One key limitation is its reliance on doctrinal and secondary comparative data without empirical field data from court personnel, prosecutors, or convicted defendants. As such, while the legal interpretation and analysis are robust, the study would benefit from triangulation with field research involving structured interviews, case reviews, or surveys to better understand the lived experiences and practical constraints in implementing court costs. Future research should explore these empirical dimensions and could adopt a mixed-methods approach that combines doctrinal analysis with case study methodology to generate a more comprehensive evaluation of the issue.

Furthermore, given that this study focused on national and international comparative perspectives, it did not fully examine variations in court cost practices among Indonesian regions or between rural and urban jurisdictions. Local judicial culture, resource availability, and access to banking infrastructure could all play a role in the effectiveness of cost collection and enforcement, and these are areas worth exploring in future decentralized legal studies.

In conclusion, this study underscores the need for a paradigm shift in the implementation of court costs in criminal cases in Indonesia. While Article 222 KUHAP lays the legal foundation, its operationalization remains limited and fragmented. By learning from comparative legal systems and aligning with Soekanto's model of legal effectiveness, Indonesia can reform its court cost framework to be more just, transparent, and effective. This includes adopting financial means testing, enabling digital payments, empowering judicial discretion, and institutionalizing inter-agency collaboration. Only then can court costs serve their intended role—not as punitive burdens, but as instruments that uphold judicial efficiency while preserving fairness and access to justice for all.

## 6. CONCLUSION

This study has critically examined the effectiveness of charging criminal court costs as mandated by Article 222 of the Indonesian Criminal Procedure Code (KUHP), with a particular focus on its implications for judicial efficiency, access to justice, and legal accountability. The main conclusion drawn from this research is that, while the normative foundation for the imposition of court costs is legally sound and rooted in established principles such as justice, procedural efficiency, and public accountability, its practical implementation within Indonesia's criminal justice system remains inconsistent, underdeveloped, and normatively fragmented. The legal principle of "simple, quick, and low-cost" adjudication, as enshrined in Law No. 48 of 2009 concerning Judicial Power, provides an important philosophical and regulatory benchmark. However, the absence of detailed enforcement mechanisms—such as verification of a defendant's financial condition, procedural clarity for payment, and sanctions for non-compliance—has rendered the imposition of court costs more symbolic than functional in many criminal proceedings.

Throughout this study, it was found that court fees serve multiple purposes: they contribute to the financing of judicial operations, provide a procedural incentive to expedite the legal process, and reflect a defendant's accountability toward the state. Nevertheless, the imposition of such fees, without a formal means-testing mechanism or installment/payment facilitation, disproportionately affects indigent defendants and poses a risk of further marginalizing vulnerable populations. Although Article 222 paragraph (2) of the KUHP allows for the state to cover costs for defendants who are unable to pay, this provision is rarely operationalized due to the lack of institutional guidelines and

supporting regulations. The study further suggests that, under current practices, there is an undue burden placed on public prosecutors, who sometimes informally assume responsibility for these costs during the execution phase. This practice, while pragmatic, undermines the institutional separation of powers and diminishes the finality and enforceability of judicial verdicts.

From a comparative perspective, countries such as the United Kingdom, Germany, and Australia have adopted more comprehensive systems for court cost assessment, typically through the application of structured financial means testing, legal aid integration, and deferred or installment-based payment schemes. These systems recognize that court costs are not inherently punitive but are administrative obligations that must be applied with proportionality and fairness. The absence of similar mechanisms in Indonesia highlights a significant gap in the procedural justice framework and points to a need for systemic reform. Furthermore, this study emphasizes the importance of integrating banking technology into the judicial process. For instance, enabling court fee payments immediately following the reading of a verdict, with electronic receipts submitted to prosecutors, would increase both transparency and administrative efficiency.

However, the study is not without its limitations. First, the research employed a normative juridical method that relies heavily on legal text analysis and doctrinal review, without incorporating empirical data or direct field observations. This limits the study's capacity to assess how court cost policies are actually implemented in various regional courts or among different classes of defendants. Second, the study does not quantify the extent to which court costs are recovered or the rate of compliance among convicted defendants, both of which are critical indicators of policy effectiveness. This methodological limitation raises questions about the external validity of the findings, particularly in the context of diverse socioeconomic and regional conditions across Indonesia. Third, the analysis does not sufficiently explore the behavioral responses of legal actors—judges, clerks, prosecutors, or defendants—toward court cost obligations, which would provide valuable insights into institutional attitudes and challenges.

Addressing these limitations, future research should consider mixed-method approaches that integrate legal-normative analysis with empirical case studies, interviews with legal practitioners, and statistical evaluations of compliance rates and collection efficiency. Such research would provide a more grounded understanding of how Article 222 KUHAP functions across court jurisdictions and how socio-legal dynamics influence the administration of justice. Moreover, further exploration is warranted into the intersection between court cost imposition and broader themes of restorative justice, rehabilitation, and post-conviction socioeconomic reintegration.

In summary, while the principle of charging court costs in criminal cases is conceptually justified and internationally recognized, its realization in Indonesia requires comprehensive reform. These reforms should include the development of a means-based assessment protocol, codification of installment or deferred payment policies, integration with the national treasury through digital payment systems, and the formalization of prosecutorial and judicial discretion. Ultimately, by strengthening procedural safeguards and institutional clarity, the imposition of court costs can be transformed from a fragmented administrative burden into a legitimate, fair, and enforceable component of Indonesia's criminal justice system.

## LIMITATION

Despite the comprehensive normative analysis conducted in this study, it is important to acknowledge that several limitations may have influenced the depth, breadth, and applicability of the findings. The primary limitation lies in the methodological approach used—namely, a purely normative juridical method—which focuses on the analysis of legislation, legal doctrines, and jurisprudence, without the incorporation of empirical or field-based data. While this approach is valid and widely accepted in legal scholarship, its reliance solely on secondary sources limits the capacity to understand how Article 222 of the Criminal Procedure Code (KUHP) is applied in real-world judicial practice across various jurisdictions in Indonesia. As a result, this study may not fully capture the discrepancies between normative expectations and practical implementation in courtrooms, particularly in rural versus urban courts or in cases involving defendants from different socioeconomic backgrounds.



Another critical limitation is the absence of statistical data or case documentation regarding the frequency, amount, and enforcement rates of court cost impositions in Indonesian criminal trials. Without empirical data from court registries, prosecutor reports, or financial administration units, the study is unable to measure the actual level of compliance with Article 222 KUHAP or to assess whether court cost obligations are being effectively fulfilled or regularly disregarded. This lack of quantitative evidence limits the study's external validity and reduces the potential for generalization of conclusions beyond the theoretical and normative framework.

Additionally, the study does not include stakeholder perspectives, such as interviews with judges, clerks, prosecutors, or defense attorneys, which could have provided rich insights into procedural obstacles, ethical dilemmas, and discretionary practices involved in determining and executing court costs. The exclusion of these perspectives may have resulted in an overly idealized view of judicial processes, failing to account for informal practices, bureaucratic challenges, or systemic inefficiencies within the Indonesian legal system. This limitation is especially relevant in light of findings from other jurisdictions, where the effectiveness of court cost systems often hinges on institutional coordination, technological infrastructure, and human discretion—elements that cannot be fully captured through doctrinal analysis alone.

Furthermore, the comparative legal analysis included in the study—covering countries such as the United States, the United Kingdom, Germany, Australia, and India—serves primarily illustrative purposes and is limited in scope. These comparisons were conducted using secondary literature and policy documents rather than direct legal case analysis or field research. As such, while the comparative framework offers important conceptual insights, it may not fully reflect the complexities and cultural specificities of how criminal court costs are imposed and enforced in those countries. This limitation may affect the strength of the policy recommendations derived from these comparisons.

Finally, the legal and institutional context in Indonesia is highly dynamic, with ongoing reforms, changes in Supreme Court regulations, and developments in public sector digitalization. Therefore, there is a risk that some of the assumptions or legal interpretations presented in this study may become outdated or require reconsideration as new legal instruments are issued or as technological integration within the judicial system progresses. This temporal limitation underscores the need for continuous monitoring and follow-up research that responds to regulatory and institutional shifts.

In conclusion, although these limitations do not invalidate the normative contributions and critical perspectives offered by this research, they do call for cautious interpretation of the findings. Readers and future researchers should consider supplementing this study with empirical inquiries, interdisciplinary methods, and regionally grounded fieldwork to deepen the understanding of how criminal court cost policies are operationalized and to identify more effective and equitable solutions in the context of Indonesian legal reform.

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