

The Politics of Legal Time: Statutes of Limitations in Transitional Justice

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ABSTRACT

This article critically explores the role of statutes of limitations in transitional justice contexts, examining how legal time is politicized and negotiated in efforts to address past human rights violations. Using a scientific narrative review design with a descriptive analysis approach, this study synthesizes academic literature, legal texts, and institutional reports published between 2018 and 2024. It draws from global case studies including Argentina, Rwanda, South Africa, Germany, Chile, and the former Yugoslavia, alongside analyses of international legal instruments and court rulings. The review reveals that conventional statutes of limitations often obstruct justice in transitional settings by imposing rigid timeframes on complex and delayed legal claims. In many cases, domestic and international actors have responded by suspending, annulling, or reinterpreting limitation statutes to align with the principle of imprescriptibility for serious crimes. The study highlights how political actors manipulate legal time to protect themselves or shape narratives of accountability, and emphasizes the normative tensions between legal certainty, reconciliation, and the enduring demands of justice. It also underscores the significance of victims' rights and intergenerational harm in rethinking legal time. The findings underscore the need for legal systems to adopt flexible, context-sensitive approaches to legal time in transitional justice. Statutes of limitations should be reformed or suspended when they hinder justice for grave violations, and legal frameworks must center the lived experiences of victims. A more ethical and politically conscious understanding of legal temporality is essential for achieving genuine accountability and reconciliation.

Keywords: *transitional justice, legal time, statutes of limitations, political justice, imprescriptibility, post-conflict law, victims' rights, reconciliation, accountability, legal temporality.*

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1. Introduction

Transitional justice has emerged as a central framework in efforts to address legacies of gross human rights violations, authoritarian repression, and systemic violence following periods of conflict or dictatorship. At its core, transitional justice encompasses legal, political, and institutional measures aimed at acknowledging past wrongs, securing accountability,

and facilitating reconciliation within societies undergoing significant transformation. The concept has evolved to include a broad spectrum of mechanisms—ranging from criminal prosecutions and truth commissions to reparations programs and institutional reforms—that seek to restore the rule of law while fostering social healing. Within the historical and legal trajectory of transitional justice, the emphasis has progressively shifted from merely ending violence to



ensuring that justice is rendered in a manner that resonates with the social and cultural realities of affected communities. As legal systems confront atrocities committed under regimes where impunity was institutionalized, transitional justice presents a normative counterweight to the erasures of history and the silences of power.

A critical but often overlooked dimension in the discourse of transitional justice is the role of time, particularly as it is encoded in legal mechanisms such as statutes of limitations. Legal temporality refers to the ways in which time is constructed, regulated, and deployed within legal systems. This includes how legal frameworks establish periods during which claims can be made, justice can be pursued, and wrongs can be righted. Statutes of limitations, as formal expressions of legal temporality, demarcate the temporal boundaries of legal responsibility and access to justice. They are designed to ensure legal certainty, prevent the decay of evidence, and protect individuals from indefinite legal exposure. However, when applied in transitional justice contexts—where decades may pass before victims can safely pursue claims—these temporal boundaries can serve as powerful obstacles to justice. In such cases, the law's timeline is often at odds with the lived temporality of trauma, memory, and social reckoning.

The politics of legal time become especially pronounced in post-conflict and post-authoritarian societies, where statutes of limitations can either enable or obstruct pathways to accountability. In many contexts, political actors deliberately manipulate legal timelines to shield themselves or their allies from prosecution. For instance, authoritarian regimes may impose retroactive amnesties or enforce short limitation periods for political crimes, effectively codifying impunity into law. In other cases, newly democratized states may suspend or override limitation statutes to facilitate prosecutions, invoking international legal principles such as the imprescriptibility of crimes against humanity. The manipulation of legal time thus reflects broader struggles over historical narrative, state legitimacy, and the boundaries of justice. As such, legal temporality is not merely a technical or procedural matter but a deeply political phenomenon that influences the trajectory of transitional justice processes.

This article seeks to critically examine the politics of legal time through the lens of statutes of limitations in

transitional justice settings. It aims to investigate how legal temporalities are constructed, challenged, and contested in societies grappling with mass violence and systemic abuse. The review analyzes the legal rationale behind limitation statutes, the normative debates surrounding their application to serious crimes, and the political dynamics that shape their enforcement or suspension. Through this examination, the article illuminates how temporal boundaries in law can either advance or hinder the pursuit of justice during periods of political transition.

The significance of this review lies in its capacity to bridge legal theory with political practice, offering a nuanced understanding of how statutes of limitations operate in contexts marked by historical rupture and institutional fragility. By situating legal time within broader social and political frameworks, the article contributes to ongoing debates about justice, memory, and accountability in transitional settings. It also draws attention to the normative tensions that arise when the law's timelines fail to align with the moral imperatives of reckoning with past atrocities.

This review is structured into several sections. Following this introduction, the next section elaborates on the theoretical and conceptual framework, exploring legal temporality, the rationale behind limitation statutes, and critical perspectives on justice and time. The third section provides a global overview of how statutes of limitations have been applied or contested in key transitional justice contexts, including case studies from Latin America, Africa, and Eastern Europe. The fourth section analyzes the political dimensions of legal time, highlighting how temporal strategies are used by state and non-state actors to influence transitional outcomes. The fifth section engages with normative and legal debates surrounding retroactivity, legal closure, and the principle of imprescriptibility. Finally, the article concludes by reflecting on the implications of these findings for future policy, legal reform, and scholarly research on transitional justice.

2. Methodology

This study employs a scientific narrative review design using a descriptive analysis method to explore the role of statutes of limitations within transitional justice frameworks. The narrative review approach was selected for its ability to synthesize complex legal,

political, and theoretical debates across various jurisdictions without being constrained by a rigid systematic protocol. The review centers on conceptual and legal interpretations rather than empirical measurements, allowing for a critical reflection on how temporal legal mechanisms—specifically statutes of limitations—are politically constructed and contested in post-conflict societies. By focusing on transitional justice contexts, this research prioritizes depth of analysis over breadth of data, emphasizing thematic coherence and interpretive clarity. The descriptive analysis method facilitates a structured yet flexible examination of legal texts, case law, academic debates, and institutional reports to identify patterns, tensions, and normative dilemmas surrounding legal temporality.

The materials analyzed in this study were selected through targeted searches in major academic databases such as JSTOR, HeinOnline, Scopus, and Google Scholar. The inclusion criteria were limited to peer-reviewed articles, legal commentaries, institutional reports, and case studies published between 2018 and 2024. This timeframe ensures that the review captures the most recent legal developments, scholarly discussions, and transitional justice mechanisms that have emerged or evolved in the past six years. Only English-language sources were included to maintain consistency in legal terminology and scholarly interpretation. Core texts were identified using search terms such as "statutes of limitations," "transitional justice," "legal temporality," "impunity," "international criminal law," and "post-conflict justice." Emphasis was placed on documents that discussed the role of time in legal accountability processes, the suspension or enforcement of limitation periods in transitional contexts, and normative arguments surrounding the concept of imprescriptibility.

The analysis proceeded through a qualitative, interpretive process involving thematic coding and conceptual synthesis. After initial reading and selection, the relevant sources were reviewed and annotated to extract key themes, recurring legal arguments, and divergent positions on the role of statutes of limitations in transitional justice. These themes were then categorized into conceptual clusters, including legal temporality, normative justice, political manipulation of legal time, and comparative jurisdictional practices. Rather than using software tools for coding, the study

relied on manual content analysis to ensure deeper engagement with the text and critical reflection. Special attention was paid to the intersection of legal doctrine and political context, drawing connections between legal timeframes and broader questions of historical accountability and moral legitimacy. This interpretive process enabled the identification of central tensions—such as the conflict between legal certainty and moral duty—and supported the formulation of a nuanced critique of how time, law, and justice intersect in post-authoritarian and post-conflict societies.

3. Theoretical and Conceptual Framework

Understanding the role of statutes of limitations in transitional justice requires a robust theoretical framework that situates these legal instruments within broader conceptions of time, justice, and political power. Legal temporality refers to the ways in which legal systems organize, regulate, and give meaning to time. In contexts of political transition, legal time becomes both a constraint and a tool: it delineates the conditions under which justice can be pursued, but it is also shaped by political interests that seek to delay, accelerate, or foreclose accountability. Scholars have argued that legal time is not a neutral or objective measure but a social construct deeply embedded in historical, cultural, and political contexts (Balatska, 2024). This perspective challenges traditional legal assumptions about the universality of procedural time limits and opens the door for critical inquiry into how temporal boundaries in law reflect and reinforce relations of power.

Statutes of limitations are key mechanisms through which legal systems structure temporality. These statutes specify the period within which legal action must be initiated, after which claims are barred regardless of their merit. The rationale for such statutes is grounded in principles of legal certainty, the reliability of evidence, and the protection of defendants from indefinite liability. In civil and criminal law alike, limitation periods are meant to encourage timely litigation and preserve the integrity of the judicial process (Verma et al., 2023). However, when applied to grave violations of human rights or international crimes, this rationale becomes ethically fraught. In transitional justice contexts, victims may be unable to pursue claims within standard limitation periods due to fear, repression, or institutional breakdown. As a result, strict

adherence to limitation statutes can undermine the very goals of justice and accountability that transitional processes are designed to achieve.

International legal instruments have responded to this tension by articulating exceptions to the general rule. For instance, crimes such as genocide, torture, and crimes against humanity are increasingly recognized as imprescriptible under international law. This position is supported by legal scholars and institutions that argue the moral gravity and enduring impact of such crimes justify their exemption from temporal limits (Dimiyati et al., 2022). Moreover, some domestic jurisdictions have adopted legal reforms to suspend or extend limitation periods for certain categories of political or state-sanctioned crimes, recognizing the need to reconcile procedural law with the realities of transitional justice. Nonetheless, these reforms are often politically contested, and their implementation depends on the willingness of state institutions to prioritize justice over political expediency.

Critical legal theories provide further insight into the relationship between time, law, and justice. Post-colonial legal scholars argue that statutes of limitations can function as instruments of historical erasure, protecting perpetrators of colonial violence or state repression by denying victims the opportunity to seek redress (Kyed, 2024). Similarly, critical legal studies highlight how procedural rules like limitation statutes serve to reproduce systemic inequalities by privileging legal form over substantive justice (Hushchenkov, 2024). These perspectives challenge the notion that legal time is an impartial arbiter and instead emphasize its role in shaping the possibilities of legal and political transformation.

The debates around retroactivity further complicate the normative landscape. Retroactive application of laws that nullify or suspend limitation periods raises concerns about the principle of legality and the protection of individual rights. Critics argue that such measures can violate the prohibition against *ex post facto* laws and threaten the legitimacy of legal systems (Gardner, 2021). However, proponents contend that in cases involving crimes of exceptional gravity, retroactivity is justified to prevent impunity and uphold the moral order. The balancing of these competing imperatives—legal certainty versus moral accountability—lies at the heart of transitional justice discourse.

Impunity and legal closure also feature prominently in these discussions. In many transitional societies, the use of limitation statutes has served as a mechanism to secure legal closure without addressing the needs of victims. This has led to widespread criticism from human rights advocates, who argue that such closure is illusory and unsustainable in the absence of genuine accountability (Santamaría-Jerez & Bermúdez-Santana, 2024). Legal closure achieved through temporal exclusion may provide short-term political stability but often perpetuates long-term grievances and social divisions. In contrast, a more flexible approach to legal temporality—one that recognizes the exceptional nature of transitional contexts—can contribute to more inclusive and sustainable justice outcomes.

In synthesizing these theoretical and conceptual insights, this article adopts a critical stance toward the politics of legal time. It examines how statutes of limitations, far from being neutral legal tools, are deeply implicated in struggles over memory, power, and justice in transitional settings. By foregrounding legal temporality as a site of contestation, the review highlights the need for legal systems to adapt their temporal frameworks in ways that promote justice, recognize historical harms, and resist political manipulation.

4. Statutes of Limitations in Transitional Justice: A Global Overview

Transitional justice mechanisms across the world have grappled with the challenge of reconciling legal timeframes with the complex realities of post-conflict or post-authoritarian transitions. The comparative experience of countries like Argentina, Rwanda, South Africa, Germany, Chile, and the former Yugoslavia reveals both the limitations of traditional statutes of limitations and the varied strategies adopted to either enforce, suspend, or reform them. In many cases, the application of legal time limits clashed with the practical impossibility of victims coming forward or institutions functioning effectively within standard legal deadlines. Argentina presents one of the most illustrative examples of how legal time was suspended and reconfigured to serve transitional justice goals. After the fall of the military junta in the 1980s, initial efforts at prosecution were met with severe political backlash, culminating in the passage of amnesty laws and the freezing of accountability processes. However, in the early 2000s,

Argentina reversed these legal shields by annulling the Full Stop and Due Obedience laws and declaring crimes of the dictatorship as crimes against humanity, therefore not subject to statutes of limitations. This legal shift reflected the growing international consensus that certain crimes—particularly torture, enforced disappearance, and genocide—are imprescriptible. It also highlighted the importance of judicial independence in interpreting international norms domestically (Nikolaichuk, 2022).

In Rwanda, the genocide of 1994 presented extraordinary legal challenges. The transitional government, with international support, established the International Criminal Tribunal for Rwanda (ICTR) under the auspices of the United Nations. The ICTR operated outside the bounds of limitation periods altogether, recognizing the gravity of the crimes involved. Nationally, Rwanda's legal framework similarly allowed for the indefinite prosecution of genocide-related crimes. This approach was further institutionalized through the innovative use of gacaca courts, which merged customary justice with formal legal processes. These courts did not apply statutes of limitations, thereby enabling large-scale accountability efforts without temporal restrictions (Ulum & Hefni, 2019).

South Africa took a different path, emphasizing restorative justice over retributive mechanisms. The Truth and Reconciliation Commission (TRC), while not a court, played a central role in shaping the temporal structure of justice. Individuals who disclosed their participation in politically motivated crimes could receive amnesty, provided they met strict conditions of full disclosure. This conditional amnesty process, though controversial, sidestepped the conventional operation of statutes of limitations by creating a unique legal space governed by political and moral considerations rather than strict procedural deadlines. The TRC process thus redefined the relationship between time, truth, and accountability (Elmayanti et al., 2020).

In Germany, the prosecution of Nazi war criminals faced significant legal and political challenges. Although many perpetrators initially escaped justice, German courts, particularly after the 1960s, began to reinterpret the limitation periods for crimes committed during the Holocaust. The legal distinction between murder and manslaughter became central, as murder carried no

limitation under German law. Over time, Germany adopted legislation that permanently removed limitation periods for genocide and war crimes. This evolution demonstrated a growing recognition that the temporal limits imposed by earlier legal regimes were incompatible with the pursuit of justice for historical atrocities (Chaudhary et al., 2022).

Chile's transition from dictatorship was marked by a long and difficult struggle with statutes of limitations. While initial efforts were hampered by the 1978 amnesty law issued under General Pinochet, Chilean courts gradually began to circumvent this barrier by invoking international legal principles. Judges found that certain crimes, particularly enforced disappearances, were ongoing until the fate of the victims was revealed, thus tolling the statute of limitations. This interpretation was influenced by evolving jurisprudence from the Inter-American Court of Human Rights, which played a crucial role in pressing Latin American states to address impunity in accordance with international standards (Varghese, 2022).

In the case of the former Yugoslavia, the establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY) marked a significant departure from the constraints of national limitation statutes. Like the ICTR, the ICTY operated with a mandate to prosecute crimes against humanity, genocide, and war crimes without any limitation periods. This approach was essential in confronting atrocities committed during the Balkan conflicts of the 1990s. However, domestic courts in successor states often faced challenges in aligning their legal frameworks with the tribunal's principles, resulting in inconsistencies in accountability and varying interpretations of legal time (Lagus et al., 2024).

International courts and human rights bodies have consistently played a transformative role in reshaping how legal systems engage with statutes of limitations. The Rome Statute of the International Criminal Court (ICC) explicitly states that crimes under its jurisdiction are not subject to any statute of limitations. This provision reflects a consensus that for the most egregious violations of international law, the passage of time should not be a barrier to justice. Similarly, the United Nations Human Rights Committee and regional bodies such as the Inter-American and European human rights courts have issued rulings that urge states to

remove or bypass limitation statutes for serious human rights violations (Balatska, 2024).

However, these developments have not been without controversy. Critics argue that eliminating or suspending statutes of limitations can undermine the rule of law by violating principles of legal certainty and non-retroactivity. The legal and moral dilemma is particularly acute when balancing the need for justice with the imperatives of peacebuilding and national reconciliation. In post-conflict societies, prolonged legal processes can destabilize fragile political arrangements, reignite social tensions, and discourage elite cooperation with transitional institutions. As a result, states often face competing pressures: the demands of victims for justice on one side and the political necessity of stability on the other (Bohgutskyi, 2023).

These tensions are evident in debates surrounding the expiration of justice. In many countries, the procedural time limits for filing claims expired long before victims had the opportunity to come forward. Legal reforms that attempt to reverse this expiration are often challenged on constitutional grounds, especially when they involve retroactive application. Nonetheless, international legal trends have increasingly favored flexibility in transitional contexts, recognizing the unique barriers that victims face in accessing justice. Legal innovation in this area, particularly in Latin America and parts of Eastern Europe, has paved the way for a more victim-centered approach to legal time (Malets & Немцев, 2024).

Overall, the global experience reveals that while statutes of limitations serve important functions in ordinary legal systems, their rigid application in transitional justice contexts can obstruct the pursuit of justice. A comparative analysis shows that countries committed to accountability have often had to reimagine or suspend conventional legal timeframes, drawing on international legal norms and local innovations. These efforts underscore the need to view legal time not as an immutable constraint but as a flexible construct capable of adaptation in the service of historical justice and moral redress.

5. Political Dimensions of Legal Time

In transitional justice contexts, time is not merely a legal construct but a political tool manipulated by various actors to shape the outcomes of accountability

processes. Political leaders, transitional authorities, and entrenched elites often deploy strategies that weaponize legal time to delay, distort, or deny justice. These strategies include the use of amnesties, deliberate legal reforms, procedural delays, and the invocation of statutes of limitations to insulate themselves or their allies from prosecution. Time, in this sense, becomes a medium through which power is exercised and legitimacy contested.

Deliberate legal stalling is one of the most common tactics used by political actors to evade justice. By introducing bureaucratic hurdles, deferring trials, or shifting legal competencies, governments can effectively outwait public pressure and allow limitation periods to expire. In some cases, entire legal reforms are enacted not to enhance justice but to impose restrictive procedural timeframes that favor impunity. Such practices are often justified under the guise of legal modernization or national unity, but their actual effect is to protect perpetrators of serious crimes (Silaban & Poernomo, 2024).

Amnesties present another powerful temporal instrument. When granted shortly after a regime change, they can serve as a mechanism to consolidate peace and prevent further conflict. However, in many transitional societies, amnesties have functioned as shields against prosecution, allowing former regime members to reintegrate into political life without consequence. South Africa's TRC offered conditional amnesty, but other countries have issued blanket amnesties without requiring truth-telling or remorse. These acts of legal forgetting are embedded in time—they create artificial endpoints to historical narratives that remain unresolved in the public memory (Tanjung, 2023).

The question of whether justice can come too late also haunts transitional justice. In some cases, decades pass before legal action is taken. While this delay is often due to legitimate constraints—such as fear, lack of evidence, or judicial incapacity—it also raises concerns about the fading of memory, the death of perpetrators, and the loss of documentary evidence. Nevertheless, the moral argument that certain crimes never become less serious with time has gained increasing traction. The notion of “temporal justice” holds that justice delayed may still be justice served, particularly in the context of grave violations such as torture, enforced disappearance, and mass murder (Saputra, 2022).

A key tension in the administration of legal time lies in the relationship between domestic and international legal frameworks. While international courts like the ICC or ICTY operate outside limitation statutes, national courts are often bound by domestic laws that impose strict timeframes. This disjuncture creates legal and political dilemmas, especially when domestic jurisdictions are unable or unwilling to prosecute and international mechanisms must intervene. The principle of complementarity in the ICC framework was designed to navigate this gap, but it relies heavily on the good faith of national governments, which may lack the political will or institutional capacity to act in a timely manner (Balieva & Ayupova, 2024).

Regime change also plays a significant role in how legal time is recalibrated. In authoritarian regimes, time is often frozen—justice is suspended, and laws are enacted to erase the past. Following a political transition, newly empowered actors may reopen legal time by reforming statutes or launching new investigations. However, these efforts can be undermined by institutional inertia or elite resistance. Moreover, the symbolic power of legal time means that changes in temporal rules are often viewed not merely as technical adjustments but as acts of political retribution or moral correction (Sitepu & Hasnda, 2024).

Lobbying by interest groups and international pressure from human rights organizations and foreign governments can also influence the trajectory of legal time. In many cases, transnational advocacy has pushed governments to repeal limitation statutes or reinterpret them in light of international law. Courts have become sites of political contestation, where domestic norms confront international obligations. While such interventions can support accountability, they also risk being perceived as external impositions, potentially undermining national sovereignty or domestic legitimacy (Prianto et al., 2024).

In sum, the political dimensions of legal time are deeply embedded in the struggles over memory, justice, and power in transitional societies. Statutes of limitations are not simply legal constraints; they are tools that can be wielded to either obstruct or facilitate justice. Understanding how time is used, abused, and restructured by political actors is essential to comprehending the broader dynamics of transitional justice. It is within these temporal negotiations that

societies define not only who is accountable but also how history itself is remembered and adjudicated.

6. Normative Challenges and Legal Debates

The normative question of whether statutes of limitations should apply to serious international crimes such as torture, enforced disappearance, and war crimes lies at the heart of transitional justice debates. These crimes, by their very nature, violate the most fundamental human rights norms and are often committed as part of systematic campaigns by state or non-state actors. Their gravity, scope, and enduring psychological and societal impact challenge the traditional rationale behind statutes of limitations, which are typically justified on the grounds of legal certainty, evidentiary decay, and the need to encourage timely prosecution. Yet when applied to these exceptional crimes, limitation periods risk denying justice, legitimizing impunity, and erasing historical truth. International legal developments increasingly reflect this normative shift. The Rome Statute of the International Criminal Court affirms that genocide, crimes against humanity, and war crimes are not subject to any statute of limitations, reinforcing the principle of imprescriptibility in global legal consciousness (Verma et al., 2023).

The doctrine of imprescriptibility has become a central tenet in discussions about legal time and historical accountability. It rests on the moral and legal proposition that certain violations are so egregious that they can never be extinguished by time. This principle is grounded in the *jus cogens* status of the norms these crimes breach, such as the prohibitions against torture and genocide. Domestic legal systems have increasingly responded to this evolving standard. For example, courts in Latin America have adopted interpretations that classify enforced disappearances as “continuous crimes,” which are not complete until the fate of the victim is known, thereby circumventing limitation periods through a legal reading that aligns with international human rights jurisprudence (Malets & Немцев, 2024). Similarly, legal scholars argue that because these crimes undermine the foundations of legal order itself, any procedural rule that absolves their perpetrators through temporal expiration undermines justice and delegitimizes the rule of law (Khandanyan, 2024).

However, these developments also invite deeper normative tensions between the competing aims of transitional justice: retribution, reconciliation, and forgetting. The pursuit of legal accountability often runs in parallel with social pressures to foster peace, promote reconciliation, or simply move on from a traumatic past. Some transitional justice processes, such as those in South Africa, have relied on conditional amnesties as tools for social healing, even at the cost of foregoing prosecutions. In such cases, statutes of limitations and their suspension are implicated in larger debates about how societies remember or forget violence. Legal time, then, becomes not only a mechanism for justice but also a medium for negotiating collective memory and identity (Tanjung, 2023).

This tension between remembering and forgetting is not purely abstract—it is embedded in the experiences of victims, survivors, and their descendants. Victims' rights have become increasingly central to transitional justice frameworks, and any normative analysis of limitation statutes must account for the enduring harms suffered by those who were denied redress due to the expiration of legal time. Victims of torture or enforced disappearance often live with unresolved trauma, and many may be unable or unwilling to speak out until years after the abuse. In these contexts, limitation periods can re-victimize individuals by closing off avenues to justice just as they become viable. The incorporation of intergenerational justice into these frameworks underscores the idea that harm does not stop with the immediate victim. Families, communities, and even future generations bear the psychological and material consequences of state-sanctioned crimes, challenging the notion that justice must be temporally confined (Balatska, 2024).

Legal reforms in response to these realities have sought to realign statutes of limitations with normative principles. Some states have adopted special limitation regimes for international crimes or introduced suspension clauses for periods in which legal systems were not functioning effectively. In Indonesia, for instance, scholars have advocated for legal interpretations that recognize historical injustices and embed restorative justice into the structure of legal time, reflecting a growing shift away from formalistic applications of procedural law (Saputra, 2022). Others point to the importance of ensuring that legal timeframes

do not operate in isolation but are interpreted in light of international obligations and evolving human rights standards (Kyed, 2024).

Yet, despite these advances, critics warn that the expanding use of imprescriptibility must be accompanied by safeguards to prevent legal overreach. They caution against the erosion of principles such as *nullum crimen sine lege* and the prohibition against retroactive criminal laws, which are cornerstones of liberal legal systems. These concerns are particularly salient in contexts where political transitions may produce winners eager to rewrite legal history. Legal certainty, they argue, remains a vital aspect of justice and must be preserved alongside flexibility in transitional processes (Chaudhary et al., 2022). The challenge, then, lies in crafting legal frameworks that can accommodate both the need for accountability and the protection of legal principles, recognizing that time in law is not merely chronological but ethical and political.

As the international legal community continues to grapple with the long-term legacies of mass violence, the debate over statutes of limitations in transitional justice will remain contentious. What is increasingly clear, however, is that limitation periods cannot be viewed as neutral tools of legal administration. Instead, they are deeply normative devices that reflect societal choices about what is remembered, what is punished, and what is allowed to be forgotten. A more humane and historically conscious approach to legal time is required—one that balances the imperatives of justice, reconciliation, and democratic stability with the lived realities of those who have suffered profound harm.

7. Implications for Policy and Future Research

The insights gained from this analysis carry significant implications for policymakers, transitional justice institutions, and international legal bodies. First and foremost, lawmakers must recognize that statutes of limitations, while useful in conventional legal contexts, may obstruct justice in transitional settings. Legislatures should consider crafting exception regimes that either suspend limitation periods during times of repression or exempt serious human rights violations from such constraints altogether. This approach is particularly vital for countries undergoing post-authoritarian or post-conflict transitions, where victims often face structural

barriers to accessing justice for extended periods (Dimiyati et al., 2022).

Transitional justice institutions—including truth commissions, special courts, and reparation bodies—should integrate flexible temporal policies that reflect the realities of victimhood and systemic violence. Legal time must not operate in a vacuum but must be situated within a broader understanding of political repression, societal trauma, and delayed disclosure. In many societies, especially those with weak legal infrastructures, limitation periods should be adapted to account for periods of institutional breakdown or suppression of judicial independence. Such context-specific calibrations would allow for more equitable justice frameworks without undermining legal coherence (Hushchenkov, 2024).

At the international level, legal bodies such as the United Nations and regional human rights courts should continue advocating for the principle of imprescriptibility in relation to gross violations of human rights. They should also provide technical assistance to states in reforming their domestic laws to align with these evolving norms. In particular, more effort is needed to harmonize domestic and international legal timeframes, ensuring that national courts are not impeded by outdated statutes when prosecuting crimes recognized as imprescriptible under international law (Varghese, 2022).

Beyond legal reforms, further academic and policy research is needed to explore the sociopolitical effects of statutes of limitations in transitional justice processes. Future studies should examine how legal time is experienced by victims, how political actors manipulate or resist reforms, and how communities respond to delayed or denied justice. Interdisciplinary research incorporating law, sociology, political science, and psychology would be particularly valuable in capturing the full complexity of these dynamics. There is also a pressing need for empirical work documenting the impact of temporal legal barriers on the effectiveness and legitimacy of transitional justice initiatives across different cultural and institutional contexts (Sitepu & Hasnda, 2024).

Ultimately, crafting justice in transitional societies requires more than legal reform—it demands a critical rethinking of how time itself is governed, interpreted, and mobilized in the service of accountability and

healing. A just society must reckon not only with what happened, but with how long it was allowed to remain unaddressed. By revisiting the politics of legal time, scholars and practitioners can build more inclusive, responsive, and morally grounded frameworks for transitional justice.

8. Conclusion

The politics of legal time are an intrinsic and often underappreciated component of transitional justice. As societies move from periods of authoritarian rule, conflict, or mass atrocity toward frameworks of accountability and democratic reconstruction, the ways in which legal systems regulate time become central to the processes of justice and reconciliation. Statutes of limitations, traditionally designed to promote legal certainty and procedural efficiency, often prove incompatible with the complexities of transitional contexts. The rigid application of limitation periods risks foreclosing opportunities for justice just when they begin to emerge and may contribute to patterns of impunity and social exclusion. This tension underscores the need for a more nuanced and morally sensitive approach to legal temporality in post-conflict and post-authoritarian societies.

Throughout various global case studies, it is clear that countries confronting past atrocities have adopted diverse strategies to deal with the challenge of legal time. Some have suspended or reinterpreted limitation periods to account for the gravity and prolonged impact of international crimes. Others have invoked the principle of imprescriptibility to exempt certain acts from time-bound prosecution entirely. International courts and human rights bodies have similarly reinforced the view that the worst violations of human dignity must not be subject to expiration, reflecting an emerging normative consensus around the primacy of justice over procedural finality.

However, legal reform alone is insufficient to address the deeper political and ethical questions raised by statutes of limitations. Transitional justice is never solely a legal exercise—it is a profoundly political and cultural undertaking. As such, debates over legal time must account for the broader societal forces that shape memory, identity, and legitimacy. Political actors frequently manipulate legal time to serve their own ends, using delays, amnesties, or procedural reforms to shape

historical narratives and protect entrenched interests. These temporal strategies are rarely neutral; they represent deliberate efforts to define the boundaries of accountability and remembrance.

Equally important is the perspective of victims and survivors, whose experiences of harm and marginalization often span generations. For them, justice delayed is not merely a procedural inconvenience—it is a continuation of the original injury. Legal systems that prioritize strict temporal boundaries over substantive justice risk compounding these harms and undermining public confidence in transitional institutions. A victim-centered approach to legal time recognizes the necessity of flexibility, empathy, and responsiveness in designing justice mechanisms that truly serve those most affected. Ultimately, statutes of limitations in transitional justice are not simply legal instruments—they are ethical decisions about how societies deal with time, truth, and accountability. Whether justice is pursued ten years or fifty years after a crime, what matters is that the opportunity exists and that the legal system is willing to meet it with integrity and courage. The evolution of legal temporality in transitional justice reflects a growing recognition that justice must adapt to historical realities rather than be constrained by inherited procedural norms. To this end, future policy and legal development must prioritize context-sensitive, normatively coherent frameworks that balance the demands of justice, the limits of law, and the imperative of healing. By critically engaging with the politics of legal time, this article contributes to a more comprehensive understanding of transitional justice as a field that encompasses not only legal accountability but also the temporal conditions under which justice becomes possible. This understanding invites further inquiry into how legal systems can better align with the moral imperatives of post-conflict societies and provide meaningful redress for past harms. In doing so, it affirms the enduring truth that justice, however delayed, remains a vital and necessary pursuit.

Authors' Contributions

Authors contributed equally to this article.

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In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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Declaration of Interest

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Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

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