




Victim Oriented Plea Bargaining in Indonesia's Criminal Justice System : Toward Substantive Justice for Victims of Crime



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Abstract

This study examines the formulation of a victim-oriented plea bargaining model to promote substantive justice for both defendants and victims in Indonesia. Plea bargaining refers to a defendant's admission of guilt through negotiation with the public prosecutor in exchange for a reduced sentence. It may be applied to first-time offenses punishable by a maximum imprisonment of five years and a maximum fine of five hundred million rupiah, provided that the defendant agrees to compensate the victim. However, judicial practice shows that plea bargaining tends to prioritize imprisonment while neglecting victims' rights to restitution. Using a normative juridical method, this study analyzes statutory regulations and legal literature through qualitative descriptive analysis. The findings reveal two main issues. First, plea bargaining is regulated under Article 78 paragraph (1), Article 205 paragraph (2), and Article 234 paragraph (1) of Law Number 20 of 2025 concerning the Criminal Procedure Code, but non-compliance with restitution obligations only results in substitute imprisonment, leaving victims uncompensated. Second, a victim-oriented model should require defendants to apologize, involve victims in negotiations, and ensure agreement on compensation, settlement mechanisms, and criminal sanctions. When defendants are unable to provide compensation, the State should assume responsibility through a victim compensation fund. This study recommends revising the Criminal Procedure Code, establishing state-funded victim compensation, strengthening prosecutorial supervision over plea bargaining agreements, and formulating Supreme Court guidelines to balance defendants' rights with victims' substantive justice.

Keywords: Plea Bargaining; Victims; Substantive Justice

I. Introduction

Within the concept of the rule of law, law functions as the supreme authority governing the dynamics of state life. This principle is grounded in the protection of human rights, the separation of powers, the exercise of popular sovereignty, and governance conducted in accordance with prevailing laws and regulations. Indonesia, as a democratic state based on the rule of law, has ratified the 1948 Universal Declaration of Human Rights, thereby requiring the

Indonesian legal system to respect human rights and other fundamental freedoms without discrimination.¹

One of the fundamental rights guaranteed under Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia is the principle that all citizens are equal before the law and government and are obliged to uphold the law and government without exception. Consequently, every individual involved in legal proceedings, whether as a victim or perpetrator of a criminal offense, is entitled to equal standing within the criminal justice system.

The term “criminal justice system” derives from the concepts of “system” and “criminal justice.” A system may be understood as a series of interconnected elements working collectively to achieve a specific objective. The ultimate objective of the criminal justice system is the realization of justice within society. Etymologically, a system refers to a collection of interrelated components or subsystems that function cohesively as a unified whole. Criminal justice, meanwhile, refers to the mechanism for adjudicating criminal cases with the purpose of determining whether an individual should be convicted or acquitted of criminal charges.²

The Indonesian criminal justice system currently operates under Law Number 20 of 2025 concerning the Criminal Procedure Code, which replaced Law Number 8 of 1981 concerning Criminal Procedure Law, alongside Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Law Number 20 of 2025 applies to adult offenders, whereas Law Number 11 of 2012 applies when the offender is a child under the age of eighteen who is in conflict with the law.

The replacement of Law Number 8 of 1981 was considered necessary for several reasons. First, it was intended to address practical problems and inconsistencies that had emerged in the implementation of criminal procedure law. Second, it sought to harmonize criminal procedural norms with related legislation and international treaties ratified by Indonesia. Third, it was designed to accommodate Constitutional Court decisions that invalidated several provisions of the previous Criminal Procedure Code. Fourth, it aimed to meet societal demands for a criminal procedure law capable of ensuring justice, legal certainty, and public benefit. Fifth, because criminal procedure law constitutes formal criminal law governing the enforcement of substantive criminal law under the Criminal Code, its provisions needed to be aligned with the enactment of Law Number 1 of 2023 concerning the Criminal Code.³

One of the new concepts introduced in Law Number 20 of 2025 concerning the Criminal Procedure Code is plea bargaining. According to *Black's Law Dictionary*, plea bargaining refers to an agreement reached through negotiations between the prosecutor and the defendant in which the defendant admits guilt in exchange for a lighter sentence or a reduced charge.⁴

The concept of plea bargaining initially developed in common law jurisdictions, particularly in the United States during the late nineteenth century. Judicial recognition of plea bargaining emerged prominently through the 1970 decision in *Brady v. United States*, in which the defendant's guilty plea resulted in the avoidance of the death penalty and the imposition of a thirty-year prison sentence instead.⁵

Plea bargaining may therefore be understood as a negotiation process between prosecutors and defendants or their legal counsel aimed at resolving criminal cases in a rapid, effective, and efficient manner.⁶ This mechanism has become highly developed in the United States as the primary method for resolving the majority of criminal cases. The United States, as a

¹ M. Sofyan Lubis, *The “Miranda Rule”: Rights of Suspects Before Interrogation* (Yogyakarta: Pustaka Yustisia, 2010), 20.

² R. Sugiharto, *The Indonesian Criminal Justice System and an Overview of Criminal Justice Systems in Several Countries* (Semarang: UNISSULA Press, 2012), 1.

³ House of Representatives of the Republic of Indonesia, “Draft Law on Criminal Procedure,” <https://puupolhukham.dpr.go.id/simas-puu/detail-ruu/id/175>

⁴ Choky Risa Ramadhan, “Special Procedures and Plea Bargaining: Similar Yet Different,” *MaPPI FH UI*, https://mappifhui.org/wp-content/uploads/2015/10/891632jalur-khusus_plea-bargaining_crr_edited_mappi.pdf

⁵ Jenia I. Turner, “Transparency in Plea Bargaining,” *Notre Dame Law Review* 96, no. 5 (2021): 973-1024.

⁶ Rifi Hermawati, “A Comparative Study of the ‘Plea Bargaining System’ in the United States and the ‘Special Track’ in Indonesia,” *Lex Generalis Law Journal* 4, no. 1 (2023): 102-115, <https://doi.org/10.56370/jhlg.v4i1.351>

country that extensively implements this mechanism, demonstrates that approximately 95% of criminal cases are resolved through plea bargaining.⁷

Plea bargaining under Law Number 20 of 2025 concerning the Criminal Procedure Code is regulated in Article 234 paragraph (1). The provision stipulates that when the Public Prosecutor reads the indictment, and the defendant admits all alleged acts and pleads guilty to a criminal offense punishable by a maximum sentence of no more than seven years' imprisonment, the Public Prosecutor may transfer the case to summary proceedings, with the maximum sentence imposed on the defendant limited to two-thirds of the penalty prescribed for the charged offense.

This mechanism provides significant benefits for suspects or defendants; however, it insufficiently accommodates the interests of victims of criminal offenses and appears inconsistent with the principle of *equality before the law*. The principle of equality before the law should serve as a standard for protecting and affirming the rights of marginalized and minority groups.⁸ However, due to disparities in resources, power, capital, and access to information, this principle is often dominated by political and economic elites who use it as a shield to preserve their wealth and authority. The principle of equality before the law operates within the framework of a general legal system, while the distinctiveness of law continues to coexist alongside other social dimensions, including economic and social structures. In this context, the concept of "fair" equality before the law implicitly acknowledges that society may not be socially and economically equal. Differences in the treatment of equality within legal, social, and economic spheres have contributed to the erosion of the principle of equality before the law amid ongoing socio-economic transformations.

This principle also affects the judicial system in Indonesia, leading to the establishment of specific legal provisions intended to guarantee equal rights for all individuals to exercise and obtain their rights before the law. Consequently, equality before the law must be interpreted dynamically rather than merely in a static or formalistic sense.⁹

Numerous studies have examined the concept of plea bargaining, including research conducted by Dheny Wahyudhi, Sri Rahayu, and colleagues, which analyzed the implementation of the plea bargaining principle within the Indonesian criminal justice system in order to realize the principles of a swift, simple, and cost-efficient judicial process. The findings of the study indicate that, fundamentally, the principle of plea bargaining can be implemented within the Indonesian criminal justice system. This is considered consistent with the principles of a criminal justice process that is simple, expeditious, and low-cost. Furthermore, the Draft Criminal Procedure Code adopts the concept of plea bargaining through a limited special procedure for guilty pleas.¹⁰

In addition, Megawati Iskandar Putri, Ufran, and colleagues conducted research on the regulation of the plea bargaining institution within the reform of the Criminal Procedure Code. Their findings demonstrate that plea bargaining offers procedural simplification and judicial efficiency through negotiation mechanisms between the Public Prosecutor and the Defendant. Moreover, the implementation of this mechanism is regarded as being in line with the philosophical, sociological, and juridical foundations underlying the reform of the Criminal Procedure Code.¹¹ Further research was conducted by Kukuh Dwi Kurniawan, Dwi Ratna Indri Hapsari, and colleagues. Their findings concluded that plea bargaining is highly feasible for

⁷ Romli Atmasasmita, *Contemporary Criminal Justice System* (Jakarta: Kencana Prenada Media Group, 2010).

⁸ I. A. S. Waliden, S. F. Maulida, and M. A. Rachmatulloh, "A Review of the Principle of Equality Before the Law Regarding Law Enforcement in Indonesia," *Verfassung: Journal of Constitutional Law* 1, no. 2 (2022): 123–142, <https://doi.org/10.30762/vjhtn.v1i2.186>

⁹ J. M. Walukow, "The Realization of the Principle of Equality Before the Law for Prisoners in Correctional Institutions in Indonesia," *Lex et Societatis* 1, no. 1 (2013): 10, <https://ejournal.unsrat.ac.id/index.php/lexetsocietatis/article/view/1320>

¹⁰ Dheny Wahyudhi et al., "The Principle of Plea Bargaining in the Expedited, Simplified, and Cost-Effective Resolution of Criminal Cases in the Reform of Criminal Procedure Law," *Journal of Social Sciences and Humanities* 6, no. 2 (2022), <https://online-journal.unja.ac.id/JSSH/article/view/22592>

¹¹ Megawati Iskandar Putri, Ufran, and L. Saipudin, "Regulation of the Concept of Plea Bargaining Institutions in the Reform of the Criminal Procedure Code (KUHAP)," *Parhesia* 2, no. 1 (2024), <https://jurnal.unram.ac.id/index.php/Parhesia/en/article/view/4035>

implementation in Indonesia, despite several weaknesses in its practical application. Nevertheless, plea bargaining is considered a realistic solution for reducing court case backlogs and promoting sentencing outcomes that are more capable of generating public satisfaction regarding the resolution of criminal cases.¹²

The novelty of the present study lies in its formulation of substantive justice for victims, emphasizing that justice should not merely end with judicial decisions concerning plea bargaining but must also extend to the implementation stage of such decisions. Accordingly, this research is necessary to ensure that victims are able to obtain substantive justice.

II. Research Problems

The research problems addressed in this study are:

1. How is plea bargaining regulated within the Indonesian criminal justice system?
2. How can a plea bargaining mechanism oriented toward substantive justice for victims be implemented within the Indonesian criminal justice system?

III. Research Methods

This study employs a normative legal research method, namely library-based legal research conducted through the examination of secondary data and legal materials.¹³ The research was carried out by analyzing relevant theories, concepts, and statutory regulations related to the subject matter of this study. The normative juridical approach was chosen because the study primarily relies on secondary sources, including legal literature and scholarly journals discussing plea bargaining, victims, and substantive justice.¹⁴

In conducting this research, the author employed a statutory approach by examining and analyzing all regulations related to plea bargaining, including Law Number 20 of 2025 concerning the Criminal Procedure Code, Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 on the Protection of Witnesses and Victims, and Law Number 1 of 2023 concerning the Criminal Code. Data collection was carried out through library research and online sources by reviewing and citing literature, scholarly works, and websites discussing plea bargaining and victims' rights. The collected data were subsequently analyzed using a qualitative descriptive method.¹⁵ This analytical process involves summarizing all collected secondary data and focusing on essential aspects through data reduction, classification, and categorization.¹⁶ Following the data reduction stage, the findings are presented in the form of concise descriptive explanations, from which conclusions are subsequently drawn.¹⁷

IV. Results and Discussion

1. Regulations on Plea Bargaining in the Indonesian Criminal Justice System

Plea bargaining refers to an admission of guilt made by a suspect or defendant. The implementation of plea bargaining has been extensively developed in countries that adhere to the common law legal system, particularly the United States. In practice, plea bargaining is understood as a mechanism for resolving criminal cases through negotiations between the Public Prosecutor and the Defendant or the Defendant's legal counsel concerning the type of offense to

¹² Kukuh Dwi Kurniawan, Dwi Ratna Indri Hapsari, and I. E. Prasetya, "The Implementation of the Plea Bargaining System as an Alternative for Resolving Criminal Cases to Settle Conflicts," *Jurisprudence* 10, no. 2 (2020), <https://journals.ums.ac.id/index.php/jurisprudence/article/view/12949/6512>

¹³ Bambang Sunggono, *Legal Research Methodology* (Jakarta: Raja Grafindo Persada, 2003).

¹⁴ Peter Mahmud Marzuki, *Legal Research* (Jakarta: Kencana Prenada Media Group, 2005).

¹⁵ Soerjono Soekanto and Sri Mamudji, *Normative Legal Research: A Brief Review* (Jakarta: Rajawali Press, 1990).

¹⁶ Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook*, 3rd ed. (Thousand Oaks, CA: Sage Publications, 2014).

¹⁷ A. Sukmawati et al., "Character Building Based on Teacher Role Models and Student Habits at SIT Al Biruni Jipang, Makassar City," *Education and Human Development Journal* 5, no. 1 (2020): 95, <https://journal2.unusa.ac.id/index.php/EHDJ/article/view/1453>

be charged and the sentence to be proposed before the court.¹⁸ The concept of plea bargaining in the United States grants public prosecutors broad discretionary authority to negotiate and bargain with defendants and their legal counsel regarding criminal charges, the severity of punishment, and the presentation of evidence, even before the case is formally submitted to the court for trial.¹⁹

Such an admission of guilt may be made before a judge either inside or outside the courtroom and can be delivered orally or in writing. Once the judge accepts the admission, a full judicial trial is no longer required. Schoeten and Load Enggens argue that a confession constitutes valid evidence before the court because it is expressly recognized and regulated by law. A confession is regarded as a *wisverklaring* (declaration of intent) made by one of the parties to the case. Consequently, every statement constituting a confession before the court is considered a legal act (*rechtshandeling*), while every legal challenge represents an act of absolute determination (*beschikkingshandeling*).²⁰

Plea bargaining involves a negotiation process based on an agreement between the Public Prosecutor and the Defendant or the Defendant's legal counsel, in which the Defendant voluntarily admits guilt for the criminal offense committed. Proponents of plea bargaining argue that this mechanism can accelerate judicial proceedings and provide greater certainty in sentencing.²¹

In the United States, the plea bargaining mechanism is generally implemented during the arraignment and preliminary hearing stages, prior to the commencement of trial proceedings. If the defendant admits guilt during these stages, the case will not proceed to a full trial for the determination of guilt and sentencing.²² The arraignment upon information or indictment constitutes a brief procedural stage intended to inform the defendant of the charges filed against them. At this stage, the defendant is given the opportunity to respond to the charges by entering a plea of "not guilty," "guilty," or *nolo contendere* (no contest).²³

Plea bargaining constitutes a negotiation process between the prosecutor and the defendant or the defendant's legal counsel, primarily aimed at expediting the resolution of criminal cases. Such negotiations must be based on the defendant's voluntary admission of guilt, as well as the prosecutor's willingness to determine the nature of the charges and the legal sanctions to be imposed upon the defendant.²⁴ Langer defines plea bargaining and its various forms as a mechanism for imposing criminal sanctions outside formal judicial proceedings, granting broader authority to investigators and prosecutors to determine who should be punished and which criminal acts should proceed through the criminal justice process.²⁵

Accordingly, plea bargaining can be understood as a mechanism within the common law legal system, particularly in the United States, involving negotiations between the prosecutor and the defendant or the defendant's legal counsel concerning a guilty plea, the nature of the charges, and the potential criminal sanctions. Such a guilty plea may be entered either inside or outside the courtroom and, once approved by the judge, may eliminate the need for a full trial. The primary objective of plea bargaining is to accelerate the resolution of criminal cases while providing greater certainty in sentencing. In practice, this mechanism emphasizes the defendant's

¹⁸ Nella Octaviany Siregar, "Plea Bargaining in the Criminal Justice Systems of Several Countries," *Wajah Hukum* 3, no. 1 (2019): 1-9, <https://doi.org/10.33087/wjh.v3i1.46>

¹⁹ Lukman Hakim et al., *The Application of the Concept of "Plea Bargaining" in the Draft Criminal Procedure Code (KUHAP) and Its Benefits for the Criminal Justice System in Indonesia* (Yogyakarta: Deepublish, 2012), 4, <https://www.findlaw.com/criminal/criminal-procedure/plea-bargain-pros-and-cons.html>

²⁰ Muhammad Atbo Mudzhar, "The Concept of Defendant's Guilty Plea in the 'Special Track' According to the KUHAP and Its Comparison with Plea Bargaining Practices in Several Countries," *Cita Hukum Journal* 3, no. 1 (2018): 39-66, <https://doi.org/10.15408/JCH/V2I1.1840.S>

²¹ Joa'n F. Meyer, "Plea Bargaining," *Britannica*, <https://www.britannica.com/topic/plea-bargaining>

²² Hazel B. Kerper, *The Introduction to the Criminal Justice System* (Wisconsin: West Publishing Company, 1979), 185

²³ *Ibid.*

²⁴ Rifi Hermawati, "A Comparative Study of the 'Plea Bargaining System' in the United States and the 'Special Track' in Indonesia," *Lex Generalis Law Journal* 4, no. 1 (2023): 102-115, <https://doi.org/10.56370/jhlg.v4i1.351>

²⁵ Máximo Langer, "Plea Bargaining, Conviction Without Trial, and the Global Administration of Criminal Convictions," *Annual Review of Criminology* 4 (2021): 377-411, <https://www.annualreviews.org/content/journals/10.1146/annurev-criminol-032317-092255>

voluntary admission of guilt while simultaneously granting prosecutors broader discretion in determining the form of charges and the sentencing process.

Plea bargaining as a mechanism for resolving criminal cases may further be analyzed through Lawrence M. Friedman's legal system theory, which consists of three interrelated components: legal substance, legal structure, and legal culture.²⁶ From the perspective of legal substance, plea bargaining is closely related to the provisions of criminal procedure law governing guilty pleas, plea negotiations, and sentencing mechanisms. These substantive legal aspects have been partially accommodated within existing Indonesian legislation, including Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 on the Protection of Witnesses and Victims, Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice, and Law Number 20 of 2025 concerning the Criminal Procedure Code.

Fundamentally, plea bargaining constitutes a mechanism for reducing punishment for defendants who voluntarily admit guilt. In relation to sentence reduction, Article 10A paragraphs (3) and (4) in conjunction with Article 28 paragraph (2) of Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 on the Protection of Witnesses and Victims regulates the status of a *Justice Collaborator*, namely a suspect, defendant, or convicted person who cooperates with law enforcement authorities in uncovering a criminal offense within the same case. The forms of appreciation or legal incentives granted to individuals holding Justice Collaborator status may include leniency in sentencing, such as probation, special conditional sentencing, or the imposition of the lightest sentence among co-defendants. In addition, such individuals may also receive parole, additional remission, and other correctional rights in accordance with prevailing laws and regulations applicable to Witness-Perpetrators serving imprisonment.²⁷ Accordingly, the similarity between defendants recognized as Justice Collaborators and defendants who admit guilt through plea bargaining lies in the granting of reduced criminal sanctions as a form of legal incentive for their cooperation or admission of guilt.

Plea bargaining shares certain similarities with restorative justice; however, fundamental differences remain between the two concepts. Restorative justice is founded upon principles that emphasize the active participation of offenders, victims, and the community in resolving criminal incidents. Within this framework, offenders, victims, and the community are positioned as stakeholders who collaboratively and directly seek a resolution considered fair to all parties involved.²⁸

According to Susan Sharpe, restorative justice is based on five principal elements. First, restorative justice requires full participation and consensus among the parties involved. In this regard, both the victim and the offender must actively participate in the negotiation process to achieve a comprehensive settlement, while the community is also provided with the opportunity to contribute to resolving the conflict. Second, restorative justice aims to restore and repair the harm or losses caused by the offender's criminal conduct, including efforts to heal and rehabilitate victims from the consequences of the crime they experienced. Third, restorative justice emphasizes the offender's full accountability for their actions. Offenders are expected to demonstrate remorse, acknowledge their wrongdoing, and recognize that their conduct has caused harm to others. Fourth, restorative justice seeks to reintegrate offenders into society after they have been socially separated as a consequence of their criminal acts. This objective is pursued through reconciliation between the victim and the offender, followed by the reintegration of both parties into normal community life. Fifth, restorative justice empowers the community to prevent

²⁶ Lawrence M. Friedman, *The Legal System: A Social Science Perspective*, trans. M. Khozin, 1st ed. (Bandung: Nusa Media, 2009), 13–17.

²⁷ Reza Fitra Ardhan and Winarno Budyatmojo, "Mitigation of Criminal Sentences as a Form of Reward for Witnesses Who Are Perpetrators (Justice Collaborators)," *Jurnal Recidive* 6, no. 1 (2017): 65–84, <https://jurnal.uns.ac.id/recidive/article/view/47720>

²⁸ National Legal Development Agency (BPHN), Ministry of Law and Human Rights of the Republic of Indonesia, *Legal Study on the Implementation of Restorative Justice* (Jakarta: BPHN, Ministry of Law and Human Rights of the Republic of Indonesia, 2013), 8.

the recurrence of criminal acts. Although crime causes harm to society, it may also serve as a valuable lesson for the community in promoting genuine justice for all members of society.²⁹

The restorative justice approach within the criminal justice system can be effectively implemented when several conditions are fulfilled. First, the offender must admit or acknowledge guilt for the criminal act committed. Second, the victim must consent to the resolution of the case outside the formal criminal justice system. Third, law enforcement institutions, particularly the Police or the Public Prosecutor's Office, as authorities possessing discretionary powers, must approve the implementation of restorative justice mechanisms. Finally, the settlement process conducted outside the criminal justice system must receive support from the local community.³⁰

Article 5 paragraph (1) letter (b) of Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice stipulates that a criminal case may be legally terminated based on restorative justice when the offense is punishable only by a fine or by imprisonment not exceeding five years. The similarity between restorative justice and plea bargaining lies in the requirement that the offender admit guilt, as well as the limitation on the maximum term of imprisonment, which generally ranges between five and seven years. Nevertheless, fundamental differences exist between the two mechanisms. In restorative justice, the prosecutor terminates the prosecution process, thereby resolving the case outside the formal criminal justice system. By contrast, in plea bargaining, once the agreement is approved by the judge, the case continues through a summary judicial proceeding.

Accordingly, plea bargaining still involves formal court proceedings, although the defendant receives a reduced sentence following prior negotiations concerning the admission of guilt. Conversely, restorative justice does not proceed to prosecution, and the settlement process more closely resembles a mediation mechanism aimed at achieving reconciliation between the parties.³¹ Restorative justice prioritizes the restoration of victims, particularly through compensation for losses by means of tangible remedies capable of restoring emotional well-being, social harmony, and peaceful community relations. Such restoration mechanisms are generally implemented before the criminal case proceeds to court, whereas plea bargaining takes place after the case has entered the judicial process.

Plea bargaining primarily emphasizes negotiations between the prosecutor and the defendant through an admission of guilt in order to expedite judicial proceedings and provide certainty in sentencing. In contrast, restorative justice focuses on repairing the victim's losses, ensuring offender accountability, and restoring social relationships disrupted by criminal conduct. Accordingly, plea bargaining may be reconstructed as a mechanism that not only prioritizes judicial efficiency but also incorporates restorative justice values through the protection of victims' rights, the provision of restitution, and the resolution of conflicts in a more humane and equitable manner.

Plea bargaining is currently regulated under Article 78 paragraph (1), Article 205 paragraph (2), and Article 234 paragraph (1) of Law Number 20 of 2025 concerning the Criminal Procedure Code. These provisions stipulate that a guilty plea or plea bargaining mechanism may be applied to a defendant who has committed a criminal offense for the first time, punishable by a maximum imprisonment of five years or a fine not exceeding IDR 500,000,000, and who is willing to provide compensation or restitution to the victim. The mechanism operates as follows: when the Public Prosecutor reads the indictment, the defendant voluntarily – without any form of pressure, coercion, or torture, whether physical or psychological – admits all acts charged and pleads guilty to a criminal offense carrying a maximum sentence of no more than seven years'

²⁹ Marlina, *Penitentiary Law* (Bandung: Refika Aditama, 2011), 7.

³⁰ M. Ali Zaidan, *Toward the Reform of Criminal Law* (Jakarta: Sinar Grafika, 2015), 250.

³¹ Febby Mutiara Nelson, "Examining the Differences Between Plea Bargaining and Restorative Justice in Practice," <https://www.hukumonline.com/berita/a/melihat-perbedaan-plea-bargain-dan-restorative-justice-dalam-praktik-lt61c53fa88848c>

imprisonment. This mechanism resembles the system implemented in Russia, which is generally reserved for serious crimes.³²

Subsequently, the confession is recorded in an official court transcript signed by both the Public Prosecutor and the Defendant. The confession is then subject to examination by the Panel of Judges, who assess whether the investigation and prosecution were conducted lawfully, whether the defendant was represented by legal counsel, and whether the defendant's procedural rights were adequately protected. If the judge harbors doubts regarding the validity of the confession, the judge may reject it. Such rejection results in the continuation of proceedings under the ordinary trial procedure, including the presentation and examination of evidence. Conversely, if the judge accepts the confession, the case proceeds through a summary hearing procedure. The legal consequence of this mechanism is that the defendant may receive a sentence of no more than two-thirds of the maximum penalty prescribed for the charged offense. Clearly, this mechanism provides significant advantages for defendants. Accordingly, the substantive legal component of plea bargaining, as conceptualized in Lawrence M. Friedman's theory of the legal system, can be considered fulfilled.

Another important aspect is the legal structure. Legal structure refers to the institutional framework of the legal system, including the hierarchy of laws, law enforcement mechanisms, judicial institutions, and legislative bodies. This component concerns the officials and institutions responsible for implementing and enforcing the law as operational elements of the legal system. In relation to plea bargaining, the relevant legal institutions already exist in Indonesia, including the Indonesian National Police, the Attorney General's Office, the Supreme Court, and the Witness and Victim Protection Agency. The plea bargaining mechanism necessarily involves the roles of prosecutors, judges, defendants, and legal counsel in negotiating and determining the resolution of criminal cases. Equally important is the aspect of legal culture. Legal culture encompasses elements of general societal culture, customs, public opinion, and patterns of legal implementation, including the ways individuals think, behave, and respond toward the law. These dimensions may either encourage social forces to support the legal system or, conversely, distance society from the law itself. Legal culture reflects societal attitudes and behaviors toward the law, as well as the broader factors that determine how the legal system attains legitimacy and acceptance within the framework of social culture.³³ In the context of plea bargaining, the legal culture dimension is influenced by the values, customs, and perspectives of both society and law enforcement officials regarding the resolution of criminal cases in a manner that is swift, efficient, and fair. Accordingly, the effectiveness of plea bargaining is determined not only by the existence of legal norms and regulations but also by the readiness of legal institutions and the development of a legal culture that supports its proper implementation.

2. Plea Bargaining Oriented Toward Substantive Justice for Victims in the Indonesian Criminal Justice System

Plea bargaining may be understood as a negotiation mechanism between the Public Prosecutor and the Defendant and/or the Defendant's legal counsel, aimed at providing the Defendant with an opportunity to admit guilt when the Public Prosecutor presents the indictment. Subsequently, the Defendant's confession is made before the Judge, who then determines whether the admission may be accepted. If the Judge approves the confession, the case may proceed through a summary hearing procedure. In such circumstances, the Judge may potentially render a decision during the first hearing or no later than after two hearings. However, if the Judge rejects the confession, the case must proceed under the ordinary trial procedure. Plea bargaining may only be applied to criminal offenses punishable by a maximum sentence of seven years' imprisonment.

³² Rezky Abdi Fratama, "Special Procedures (Plea Bargaining) in Criminal Procedure Law," *Badamai Law Journal* 5, no. 2 (2020): 230-241, <https://doi.org/10.32801/damai.v5i2.10755>

³³ Lawrence M. Friedman, quoted in Ahmad Ali, *The Decline of Law in Indonesia (Causes and Solutions)* (Jakarta: Galia Indonesia, 2002), 8.

The implementation of plea bargaining offers several positive implications. First, the Defendant admits guilt, expresses remorse, and discloses facts relating to the criminal offense charged. Second, it may improve the quality of case handling by Judges and Public Prosecutors. Third, it minimizes the costs associated with evidentiary proceedings before the court. Finally, the criminal justice process becomes more effective and efficient because the evidentiary process does not need to be conducted in full.

Plea bargaining also carries several significant negative implications for the criminal justice system. One of the principal criticisms is that this mechanism may undermine the pursuit of substantive truth, as the judicial process shifts from a comprehensive examination of facts toward a negotiation-based settlement between the prosecutor and the defendant.³⁴ Consequently, the role of the judiciary as an institution responsible for uncovering objective truth may be weakened. Furthermore, plea bargaining has the potential to create psychological pressure on defendants, whereby individuals may feel compelled to admit guilt despite being innocent in order to avoid the possibility of receiving a harsher sentence if the case proceeds to a full trial.³⁵ Such circumstances increase the risk of wrongful convictions, namely the punishment of innocent individuals.³⁶

From a structural perspective, plea bargaining may also reinforce the imbalance of power between prosecutors and defendants, as prosecutors generally occupy a far more dominant bargaining position in determining the outcome of negotiations.³⁷ In addition, this mechanism may reduce the role of judges in independently examining the facts of a case, since judicial decisions tend to rely more heavily on agreements reached by the parties than on a comprehensive evidentiary process during trial proceedings.³⁸ Moreover, plea bargaining is frequently criticized for prioritizing judicial efficiency over the realization of substantive justice, thereby potentially sacrificing the principle of justice in favor of expediting case resolution.³⁹

With regard to victims, plea bargaining may also produce adverse consequences because victims are often not actively involved in the negotiation process between the prosecutor and the defendant. As a result, victims' interests tend to be overlooked in determining both the form and severity of punishment.⁴⁰ This condition may lead victims to feel deprived of the opportunity to obtain substantive justice, particularly because judicial outcomes are derived from negotiated compromises rather than from an open and comprehensive examination of the case before the court.

Substantive justice refers to a concept of justice that is not merely oriented toward compliance with formal legal procedures but also emphasizes the realization of justice that is concrete and aligned with values living within society. Within this framework, law is not understood solely as a set of rigid written rules to be mechanically applied; rather, it functions as an instrument for achieving social justice, public welfare, and the protection of human rights. Accordingly, substantive justice seeks to establish comprehensive and holistic justice within society by considering not only legal norms and procedures but also the broader values of justice recognized and upheld by the community.⁴¹

³⁴ George Fisher, *Plea Bargaining's Triumph* (Stanford, CA: Stanford University Press, 2003).

³⁵ Stephanos Bibas, "Plea Bargaining Outside the Shadow of Trial," *Harvard Law Review* 117, no. 8 (2004): 2463-2547. <https://doi.org/10.2307/4093404>

³⁶ Samuel R. Gross et al., "Exonerations in the United States 1989-2003," *Journal of Criminal Law and Criminology* 95, no. 2 (2005): 523-560. <https://www.jstor.org/stable/3491344>

³⁷ Máximo Langer, "From Legal Transplants to Legal Translations," *Harvard International Law Journal* 45, no. 1 (2004): 1-64. https://journals.law.harvard.edu/ilj/2004/01/issue_45-1_langer/

³⁸ John H. Langbein, "Torture and Plea Bargaining," *University of Chicago Law Review* 46, no. 1 (1978): 3-22. <https://chicagounbound.uchicago.edu/uclrev/vol46/iss1/3/>

³⁹ Albert W. Alschuler, "Plea Bargaining and Its History," *Columbia Law Review* 79, no. 1 (1979): 1-43. <https://doi.org/10.2307/1122051>

⁴⁰ Candace McCoy, "Plea Bargaining as Coercion: The Trial Penalty and Plea Bargaining Reform," *Criminal Law Quarterly* 50, no. 1 (2005): 67-107. <https://pleabargaininginstitute.com/summaries/plea-bargaining-as-coercion-the-trial-penalty-and-plea-bargaining-reform/>

⁴¹ Abdul Wahid, "Restorative Justice: An Effort to Find Substantive Justice?," *Jurnal Ius Constituendum* 7, no. 2 (2022): 245-246, <https://doi.org/10.26623/jic.v7i2.5793>

In addition to the aforementioned implications, plea bargaining also has the potential to generate dissatisfaction among victims toward the criminal justice system, particularly when defendants receive reduced sentences that are perceived as disproportionately lenient in comparison with the suffering endured by victims.⁴² Furthermore, the plea bargaining mechanism may limit victims' opportunities to convey their experiences, losses, and psychological suffering resulting from the criminal act.⁴³ In fact, victim participation constitutes a central element within the concepts of restorative justice and victim protection. The exclusion of victims from the negotiation process also risks weakening restorative aspects and diminishing the offender's direct moral accountability toward the victim.⁴⁴

The position of victims within the contemporary criminal justice system has frequently been regarded as inequitable and marginalized.⁴⁵ This condition gives rise to two fundamental consequences: first, the inadequate legal protection afforded to victims; and second, the absence of judicial decisions capable of satisfying the sense of justice felt by victims and society at large. Victimologists have characterized this condition using various terms, including "the forgotten man," "the forgotten person," "invisible," "second-class citizen," "second victimization," and "double victimization."⁴⁶

The lack of legal protection arising from the failure to fairly position victims within the criminal justice system may be analyzed through the framework of criminal law, which includes substantive criminal law, criminal procedure law, and criminal law enforcement. This issue is reflected in the provisions of Article 78 paragraph (1) of Law Number 20 of 2025 concerning the Criminal Procedure Code, which primarily emphasizes the interests of the defendant. Although Article 78 paragraph (1) imposes an obligation upon the defendant to provide compensation, the regulation does not adequately address situations in which the defendant is unable to fulfill such an obligation. The legal consequences of this situation may be examined through Article 94 paragraph (2) of Law Number 1 of 2023 concerning the Criminal Code, which stipulates that if the defendant fails to pay compensation ordered by the court, substitute punishment in the form of a fine shall apply in accordance with Articles 81 through 83 of Law Number 1 of 2023 concerning the Criminal Code.

Furthermore, Article 81 paragraph (3) of Law Number 1 of 2023 concerning the Criminal Code provides that if the fine is not paid within the prescribed period, the convicted person's assets or income may be confiscated and auctioned by the Public Prosecutor to satisfy the unpaid amount. However, where the confiscation and auction of assets or income are insufficient or impossible to execute, the unpaid fine shall be substituted with imprisonment. If the unpaid amount does not exceed IDR 10,000,000 (ten million rupiah), the substitute imprisonment ranges from a minimum of one month to a maximum of one year. Conversely, if the unpaid amount exceeds IDR 10,000,000, the substitute imprisonment ranges from a minimum of one year up to the maximum imprisonment prescribed for the relevant criminal offense. Under these provisions, when the defendant is unable to pay compensation, the consequence is merely the imposition of substitute imprisonment upon the defendant, while the victim ultimately remains uncompensated.

Similarly, empirical observations of law enforcement practices within the sub-systems of the criminal justice system indicate that victims have not yet received adequate legal protection. The criminal justice process, which ultimately culminates in judicial decisions rendered by the courts, tends to marginalize and overlook victims. The parties involved in criminal proceedings – including Public Prosecutors, legal counsel for suspects or defendants, witnesses (including

⁴² Douglas E. Beloof, "The Third Model of Criminal Process: The Victim Participation Model," *Utah Law Review* 1999, no. 2 (1999): 289–332. <https://dc.law.utah.edu/ulr/vol1999/iss2/2/>

⁴³ Jo-Anne Wemmers, *Victims in the Criminal Justice System* (Amsterdam: Kugler Publications, 1996).

⁴⁴ John Braithwaite, *Restorative Justice and Responsive Regulation* (New York: Oxford University Press, 2002).

⁴⁵ Mardjono Reksodipietro, *The Indonesian Criminal Justice System: Examining Crime and Law Enforcement Within the Limits of Tolerance* (Inaugural Lecture upon Appointment as Full Professor at the Faculty of Law, University of Indonesia, Jakarta, 1993), 2.

⁴⁶ Angkasa, "The Position of Victims of Criminal Acts in the Criminal Justice System," *Supremasi Hukum* 12, no. 2 (2007): 119–121.

victims), and judges supported by available evidence – generally focus on proving the charges brought by the Public Prosecutor against the suspect or defendant. Consequently, the judicial process is primarily directed toward determining whether the conduct of the suspect or defendant fulfills the legal elements of the charged criminal offense.

According to the Directory of Supreme Court Decisions of the Republic of Indonesia, there were approximately 37,865 criminal case decisions in 2025, encompassing both general and special criminal cases.⁴⁷ However, among these hundreds of thousands of judicial decisions, only 338 rulings issued by courts throughout Indonesia included orders for compensation. Moreover, the majority of such rulings concerned cases involving human trafficking and crimes against children, while compensation orders in other categories of criminal cases remain exceedingly rare.⁴⁸ The marginal position of victims within the criminal justice process was also emphasized by Prassel, who stated that: “The victim was a forgotten figure in the study of crime. Victims of assault, robbery, theft, and other offenses were ignored while police, courts, and academics concentrated on known offenders.”⁴⁹

Sunarto explains that substantive justice refers to a form of justice that genuinely reflects the sense of justice living within society and is not merely confined to justice as formally prescribed by statutory law.⁵⁰ Accordingly, substantive justice requires law enforcement officials not only to adhere rigidly to legal texts in a formalistic manner but also to consider moral, social, and humanitarian dimensions in the law enforcement process, both with respect to defendants and victims.

A plea bargaining model oriented toward substantive justice for victims may be realized by requiring defendants to formally apologize to victims and by ensuring that victims are provided with meaningful opportunities to participate in the negotiation process. Such participation should include involvement in determining the form of case resolution, the amount of compensation to be paid by the defendant along with its payment mechanism, and the agreed-upon criminal sanction.⁵¹ Furthermore, if the defendant is financially incapable of paying compensation, the State should be obligated to provide compensation funds to the victim. Through such a mechanism, the resolution of criminal cases would not merely benefit offenders through sentence reductions, but would also provide concrete and tangible benefits for victims.

These findings carry several important implications for the reform of the criminal justice system in Indonesia. This model no longer positions victims as passive parties, but rather as subjects who possess the right to be heard, to obtain restitution, and to participate in the resolution of criminal cases. Accordingly, the orientation of criminal case resolution is not solely focused on punishing offenders, but also on restoring victims' losses and ensuring justice for them.

In the context of criminal justice reform in Indonesia, this theory encourages a paradigm shift from an offender-oriented system toward a more balanced system that accommodates both the interests of offenders and victims. To date, Indonesian criminal procedure law has tended to position the state as the primary party in criminal proceedings, while victims merely function as witnesses. Through a substantive justice-oriented plea bargaining model, victims are granted the opportunity to participate in negotiations concerning the form of case settlement, the amount of compensation, the mechanism for restitution payments, and the type of punishment agreed upon. Consequently, criminal procedure reform must accommodate stronger victim participation rights at every stage of the criminal justice process.

With regard to victim protection, this theory reinforces the recognition that victims possess the right to meaningful recovery, both materially and psychologically. The obligation

⁴⁷ <https://www.hukumonline.com/berita/a/ma-putus-37865-perkara-sepanjang-2025--produktivitas-capai-99-26-persen-lt6954a635a4b06/?page=3>

⁴⁸ <https://putusan3.mahkamahagung.go.id/search.html?q=%22Perlindungan+saksi+dan+korban%22>

⁴⁹ Frank R. Prassel, *Criminal Law, Justice, and Society* (Santa Monica, CA: Goodyear Publishing Company, 1979), 65.

⁵⁰ Sunarto, “The Principle of Legality in Law Enforcement Toward the Realization of Substantive Justice,” *Masalah-Masalah Hukum* 45, no. 4 (2016): 252–258, <https://doi.org/10.14710/mmh.45.4.2016.252-258>

⁵¹ Douglas E. Beloof, “The Third Model of Criminal Process: The Victim Participation Model,” *Utah Law Review* 1999, no. 2 (1999): 289–332. <https://dc.law.utah.edu/ulr/vol1999/iss2/2/>

imposed upon defendants to apologize to victims reflects the moral and restorative dimensions embedded in the settlement of criminal cases. Such an apology serves not only as a form of offender accountability, but also as a means of restoring the dignity of victims. Furthermore, victim involvement in the negotiation process guarantees that criminal case resolution is not conducted unilaterally by the Public Prosecutor and the Defendant without considering the victim's interests.

In terms of compensation mechanisms, this theory emphasizes that compensation must constitute an integral component of criminal case resolution. Compensation should no longer be regarded as a supplementary right that is difficult to enforce, but rather as a principal obligation that must be fulfilled by the Defendant. A further implication is the necessity for clear regulations concerning the assessment of victims' losses, compensation payment mechanisms, supervision of restitution implementation, and sanctions in cases where the Defendant fails to fulfill such obligations. The provision requiring the state to provide compensation funds when the Defendant is unable to pay also demonstrates the state's responsibility to guarantee victims' rights to recovery. This may further encourage the establishment of a state-managed crime victim compensation fund scheme.

With respect to prosecutorial discretion, this theory limits the dominance of prosecutorial authority in determining the resolution of criminal cases. Prosecutors may no longer focus solely on the efficiency of case handling, but must also consider the interests of victims and the achievement of substantive justice. Accordingly, the exercise of prosecutorial discretion must be carried out transparently, accountably, and based on the consent of the parties involved. Consequently, clear guidelines are required regarding the limits of prosecutorial authority in conducting plea bargaining negotiations in order to prevent abuses of power or transactional practices within the criminal process.

Meanwhile, in relation to judicial practice, this theory transforms the role of judges from merely endorsing agreements into supervising the achievement of substantive justice. Judges must ensure that agreements are entered into voluntarily, do not disadvantage victims, and comply with the principle of proportionality in sentencing. Judges must also assess whether victims' rights have been fulfilled, including matters relating to compensation and victim participation in the negotiation process. Another implication is the need for a transformation of legal culture within criminal justice practice, whereby law enforcement officials prioritize restorative approaches and victim recovery rather than focusing exclusively on punitive objectives.

V. Conclusion

Plea bargaining is currently regulated under Article 78 paragraph (1), Article 205 paragraph (2), and Article 234 paragraph (1) of Law Number 20 of 2025 concerning the Criminal Procedure Code. However, these provisions contain several shortcomings, including the absence of any requirement obligating the Defendant to apologize to the victim, the lack of opportunities for victims to participate in determining an appropriate sentence for the Defendant, and the fact that non-compliance with compensation obligations ultimately results only in a substitute term of imprisonment, leaving the victim without compensation.

Referring to the conclusions above, a plea bargaining model oriented toward substantive justice for victims may be achieved by requiring the Defendant to apologize to the victim and by providing victims with the opportunity to participate in the negotiation process concerning the form of case settlement, the amount of compensation to be paid by the Defendant along with its payment mechanism, and the agreed-upon sentence. Furthermore, if the Defendant is unable to provide compensation, the State should be obligated to provide compensation funds to the victim. The contribution of this research to criminal justice reform and victim protection in Indonesia lies in its proposition that plea bargaining should not merely benefit offenders through sentence reduction, but should also provide tangible benefits and substantive justice for victims.

References

- A. Sukmawati et al., "Character Building Based on Teacher Role Models and Student Habits at SIT Al Biruni Jipang, Makassar City," *Education and Human Development Journal* 5, no. 1 (2020): 95, <https://journal2.unusa.ac.id/index.php/EHDJ/article/view/1453>
- Abdul Wahid, "Restorative Justice: An Effort to Find Substantive Justice?," *Jurnal Ius Constituendum* 7, no. 2 (2022): 245-246, <https://doi.org/10.26623/jic.v7i2.5793>
- Albert W. Alschuler, "Plea Bargaining and Its History," *Columbia Law Review* 79, no. 1 (1979): 1-43. <https://doi.org/10.2307/1122051>
- Angkasa, "The Position of Victims of Criminal Acts in the Criminal Justice System," *Supremasi Hukum* 12, no. 2 (2007): 119-121.
- Bambang Sunggono, *Legal Research Methodology* (Jakarta: Raja Grafindo Persada, 2003).
- Candace McCoy, "Plea Bargaining as Coercion: The Trial Penalty and Plea Bargaining Reform," *Criminal Law Quarterly* 50, no. 1 (2005): 67-107. <https://pleabargaininginstitute.com/summaries/plea-bargaining-as-coercion-the-trial-penalty-and-plea-bargaining-reform/>
- Choky Risda Ramadhan, "Special Procedures and Plea Bargaining: Similar Yet Different," *MaPPI FH UI*, https://mappifhui.org/wp-content/uploads/2015/10/891632jalur-khusus_plea-bargaining_crr_edited_mappi.pdf
- Dheny Wahyudhi et al., "The Principle of Plea Bargaining in the Expedited, Simplified, and Cost-Effective Resolution of Criminal Cases in the Reform of Criminal Procedure Law," *Journal of Social Sciences and Humanities* 6, no. 2 (2022), <https://online-journal.unja.ac.id/JSSH/article/view/22592>
- Douglas E. Beloof, "The Third Model of Criminal Process: The Victim Participation Model," *Utah Law Review* 1999, no. 2 (1999): 289-332. <https://dc.law.utah.edu/ulr/vol1999/iss2/2/>
- Douglas E. Beloof, "The Third Model of Criminal Process: The Victim Participation Model," *Utah Law Review* 1999, no. 2 (1999): 289-332. <https://dc.law.utah.edu/ulr/vol1999/iss2/2/>
- Febby Mutiara Nelson, "Examining the Differences Between Plea Bargaining and Restorative Justice in Practice," <https://www.hukumonline.com/berita/a/melihat-perbedaan-plea-bargain-dan-restorative-justice-dalam-praktik-lt61c53fa88848c>
- Frank R. Prassel, *Criminal Law, Justice, and Society* (Santa Monica, CA: Goodyear Publishing Company, 1979), 65.
- George Fisher, *Plea Bargaining's Triumph* (Stanford, CA: Stanford University Press, 2003).
- Hazel B. Kerper, *The Introduction to the Criminal Justice System* (Wisconsin: West Publishing Company, 1979), 185
- House of Representatives of the Republic of Indonesia, "Draft Law on Criminal Procedure," <https://puupolhukham.dpr.go.id/simas-puu/detail-ruu/id/175>
- <https://putusan3.mahkamahagung.go.id/search.html?q=%22Perlindungan+saksi+dan+korban%22>
- <https://www.hukumonline.com/berita/a/ma-putus-37865-perkara-sepanjang-2025--produktivitas-capai-99-26-persen-lt6954a635a4b06/?page=3>
- I. A. S. Waliden, S. F. Maulida, and M. A. Rachmatulloh, "A Review of the Principle of Equality Before the Law Regarding Law Enforcement in Indonesia," *Verfassung: Journal of Constitutional Law* 1, no. 2 (2022): 123-142, <https://doi.org/10.30762/vjhtn.v1i2.186>

- J. M. Walukow, "The Realization of the Principle of Equality Before the Law for Prisoners in Correctional Institutions in Indonesia," *Lex et Societatis* 1, no. 1 (2013): 10, <https://ejournal.unsrat.ac.id/index.php/lexetsocietatis/article/view/1320>
- Jenia I. Turner, "Transparency in Plea Bargaining," *Notre Dame Law Review* 96, no. 5 (2021): 973–1024.
- Joa'n F. Meyer, "Plea Bargaining," *Britannica*, <https://www.britannica.com/topic/plea-bargaining>
- Jo-Anne Wemmers, *Victims in the Criminal Justice System* (Amsterdam: Kugler Publications, 1996).
- John Braithwaite, *Restorative Justice and Responsive Regulation* (New York: Oxford University Press, 2002).
- John H. Langbein, "Torture and Plea Bargaining," *University of Chicago Law Review* 46, no. 1 (1978): 3–22. <https://chicagounbound.uchicago.edu/uclev/vol46/iss1/3/>
- Kukuh Dwi Kurniawan, Dwi Ratna Indri Hapsari, and I. E. Prasetya, "The Implementation of the Plea Bargaining System as an Alternative for Resolving Criminal Cases to Settle Conflicts," *Jurisprudence* 10, no. 2 (2020), <https://journals.ums.ac.id/index.php/jurisprudence/article/view/12949/6512>
- Lawrence M. Friedman, quoted in Ahmad Ali, *The Decline of Law in Indonesia (Causes and Solutions)* (Jakarta: Galia Indonesia, 2002), 8.
- Lawrence M. Friedman, *The Legal System: A Social Science Perspective*, trans. M. Khozin, 1st ed. (Bandung: Nusa Media, 2009), 13–17.
- Lukman Hakim et al., *The Application of the Concept of "Plea Bargaining" in the Draft Criminal Procedure Code (KUHAP) and Its Benefits for the Criminal Justice System in Indonesia* (Yogyakarta: Deepublish, 2012), 4, <https://www.findlaw.com/criminal/criminal-procedure/plea-bargain-pros-and-cons.html>
- M. Ali Zaidan, *Toward the Reform of Criminal Law* (Jakarta: Sinar Grafika, 2015), 250.
- M. Sofyan Lubis, *The "Miranda Rule": Rights of Suspects Before Interrogation* (Yogyakarta: Pustaka Yustisia, 2010), 20.
- Mardjono Reksodipoetro, *The Indonesian Criminal Justice System: Examining Crime and Law Enforcement Within the Limits of Tolerance (Inaugural Lecture upon Appointment as Full Professor at the Faculty of Law, University of Indonesia, Jakarta, 1993)*, 2.
- Marlina, *Penitentiary Law* (Bandung: Refika Aditama, 2011), 7.
- Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook*, 3rd ed. (Thousand Oaks, CA: Sage Publications, 2014).
- Máximo Langer, "From Legal Transplants to Legal Translations," *Harvard International Law Journal* 45, no. 1 (2004): 1–64. https://journals.law.harvard.edu/ilj/2004/01/issue_45-1_langer/
- Máximo Langer, "Plea Bargaining, Conviction Without Trial, and the Global Administration of Criminal Convictions," *Annual Review of Criminology* 4 (2021): 377–411, <https://www.annualreviews.org/content/journals/10.1146/annurev-criminol-032317-092255>
- Megawati Iskandar Putri, Ufran, and L. Saipudin, "Regulation of the Concept of Plea Bargaining Institutions in the Reform of the Criminal Procedure Code (KUHAP)," *Parhesia* 2, no. 1 (2024), <https://jurnal.unram.ac.id/index.php/Parhesia/en/article/view/4035>

- Muhammad Atbo Mudzhar, "The Concept of Defendant's Guilty Plea in the 'Special Track' According to the KUHAP and Its Comparison with Plea Bargaining Practices in Several Countries," *Cita Hukum Journal* 3, no. 1 (2018): 39-66, <https://doi.org/10.15408/JCH/V2I1.1840.S>
- National Legal Development Agency (BPHN), Ministry of Law and Human Rights of the Republic of Indonesia, *Legal Study on the Implementation of Restorative Justice* (Jakarta: BPHN, Ministry of Law and Human Rights of the Republic of Indonesia, 2013), 8.
- Nella Octaviany Siregar, "Plea Bargaining in the Criminal Justice Systems of Several Countries," *Wajah Hukum* 3, no. 1 (2019): 1-9, <https://doi.org/10.33087/wjh.v3i1.46>
- Peter Mahmud Marzuki, *Legal Research* (Jakarta: Kencana Prenada Media Group, 2005).
- R. Sugiharto, *The Indonesian Criminal Justice System and an Overview of Criminal Justice Systems in Several Countries* (Semarang: UNISSULA Press, 2012), 1.
- Reza Fitra Ardhian and Winarno Budyatmojo, "Mitigation of Criminal Sentences as a Form of Reward for Witnesses Who Are Perpetrators (Justice Collaborators)," *Jurnal Recidive* 6, no. 1 (2017): 65-84, <https://jurnal.uns.ac.id/recidive/article/view/47720>
- Rezky Abdi Fratama, "Special Procedures (Plea Bargaining) in Criminal Procedure Law," *Badamai Law Journal* 5, no. 2 (2020): 230-241, <https://doi.org/10.32801/damai.v5i2.10755>
- Rifi Hermawati, "A Comparative Study of the 'Plea Bargaining System' in the United States and the 'Special Track' in Indonesia," *Lex Generalis Law Journal* 4, no. 1 (2023): 102-115, <https://doi.org/10.56370/jhlg.v4i1.351>
- Rifi Hermawati, "A Comparative Study of the 'Plea Bargaining System' in the United States and the 'Special Track' in Indonesia," *Lex Generalis Law Journal* 4, no. 1 (2023): 102-115, <https://doi.org/10.56370/jhlg.v4i1.351>
- Romli Atmasasmita, *Contemporary Criminal Justice System* (Jakarta: Kencana Prenada Media Group, 2010).
- Samuel R. Gross et al., "Exonerations in the United States 1989-2003," *Journal of Criminal Law and Criminology* 95, no. 2 (2005): 523-560. <https://www.jstor.org/stable/3491344>
- Soerjono Soekanto and Sri Mamudji, *Normative Legal Research: A Brief Review* (Jakarta: Rajawali Press, 1990).
- Stephanos Bibas, "Plea Bargaining Outside the Shadow of Trial," *Harvard Law Review* 117, no. 8 (2004): 2463-2547. <https://doi.org/10.2307/4093404>
- Sunarto, "The Principle of Legality in Law Enforcement Toward the Realization of Substantive Justice," *Masalah-Masalah Hukum* 45, no. 4 (2016): 252-258, <https://doi.org/10.14710/mmh.45.4.2016.252-258>