



Plea Bargaining In Realizing Effective and Efficient Criminal Justice Systems

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Abstract

The condition of the criminal justice system is alleged to be full of corrupt practices (judicial corruption), facing the problem of a pile of cases that are very severe (overloaded), slow and time-consuming (waste of time), processing with high costs (prohibitive). It cannot accommodate society's sense of justice (irresponsive), too rigid, formal, and too technical (nonflexible, formalistic, and technically). In this research, two problems will be analyzed: how plea bargaining can create practical and efficient criminal justice. Second, how to plea bargaining in the Draft Criminal Procedure Code. Research shows that Plea Bargaining is a faster and more efficient settlement of cases when the defendant pleads guilty. Not only can an admission of guilt, a defendant or a lawyer agree with the public prosecutor regarding the form and duration of generally lighter sentences. It is necessary to regulate the mechanism for implementing the plea-bargaining system in the criminal justice process, the guarantee of the rights possessed by the defendant during the plea-bargaining mechanism, as well as the time limits for each stage of the examination so that an effective and efficient criminal trial can be realized.

Keywords: Plea Bargaining, Judiciary, Effective and Efficient.

Abstrak

Kondisi sistem peradilan pidana disinyalir penuh praktik korupsi (judicial corruption), menghadapi persoalan tumpukan perkara yang sangat parah (overloaded), lamban dan memakan waktu (waste of time), berproses dengan biaya yang mahal (very expensive), kurang mampu mengakomodasi rasa keadilan masyarakat (inresponsive), dan terlalu kaku, formal dan terlampau teknis (non flexible, formalistic, and technically). Ada dua permasalahan yang akan dianalisis dalam penelitian ini yaitu Pertama, bagaimanakah plea bargaining dapat mewujudkan peradilan pidana yang efektif dan efisien. Kedua, bagaimanakah plea bargaining dalam Rancangan Kitab Undang-Undang Hukum Acara Pidana. Penelitian menunjukkan bahwa Plea Bargaining ialah penyelesaian perkara yang lebih cepat dan efisien apabila terdakwa mengaku bersalah. Tidak hanya pengakuan bersalah terdakwa atau pengacara dapat membuat kesepakatan dengan jaksa penuntut umum mengenai bentuk dan lamanya hukuman yang umumnya lebih ringan. Perlu diatur tentang mekanisme pelaksanaan plea bargaining system dalam proses peradilan pidana, jaminan terhadap hak-hak yang dimiliki oleh terdakwa pada saat melakukan mekanisme plea bargaining, serta batasan-batasan waktu terhadap setiap tahapan pemeriksaan agar terwujud peradilan pidana yang efektif dan efisien.

Kata Kunci: Plea Bargaining, Peradilan, efektif dan Efisien.

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I. Introduction

The criminal justice system has existed throughout the beginning of human civilization.¹ Remington and Ohlin argued that the Criminal justice system could be interpreted as a systematic approach to the criminal justice administration mechanism. Justice as a system results from an interaction between legislation, administrative practices, and social attitudes or behavior. Understanding the system itself implies an interaction process prepared nationally

¹ United Nation, *The United Nations and Crime Prevention*, United Nation (New York, 1991), 1.

and efficiently to provide specific results with all its limitations.² That means that a system requires an efficient process. Efficient can be interpreted as an appropriate or appropriate way to do (produce) something (by not wasting time, effort, cost).³

Signaling that the condition of the criminal justice system is alleged to be full of corrupt practices (judicial corruption), faces the problem of a pile of cases that are very severe (overloaded), slow and time-consuming (waste of time), processing with high costs (costly). Unable to accommodate a sense of community justice (responsive), and too rigid, formal, and too technical (nonflexible, formalistic, and technically), causing the idea to evaluate this system is getting stronger and urgent to be done.⁴

When Friedman longed for a court to separate the guilty from the innocent⁵, The criminal justice system is precisely the scene of rampant criminalization of policies, business decisions, and civil disputes, as well as the sale and purchase of articles and the sale and purchase of cases, and so on, which often violates human rights. That, of course, is also felt in the criminal justice system in Indonesia. The process of separating guilty and innocent people is in one line, namely the judiciary, which of course, takes quite a long time.

By seeing the condition of the judicial system, it is necessary to make changes. The Draft Criminal Procedure Code offers fundamental changes relating to the criminal justice system in Indonesia. One of the exciting changes to highlight is the mechanism regulated in Article 199 of the Draft Criminal Procedure Code, referred to as the Special Route.⁶ This mechanism may sound foreign in the Indonesian criminal justice system, but this system has long developed in several common law countries such as the United States and has also been implemented in India. This mechanism can be matched with a plea bargaining system.

The United States' success in using Plea Bargaining to achieve efficiency and speed in criminal justice has inspired legal experts and lawmakers in various countries. Civil law countries such as Italy⁷, Russia⁸, or a country in Asia, such as Taiwan⁹, have regulated Plea Bargaining's criminal procedural law provisions. Moreover, the United States government's support in exporting its criminal procedural law has become a catalyst for spreading the Plea-Bargaining concept to other countries.¹⁰

II. Research Problems

Based on the above background, there are two problems: First, how can the concept of Plea Bargaining realize an effective and efficient criminal justice? Second, how can Plea Bargaining in the Draft Criminal Procedure Code be applied in Indonesia?

² Romli Atmasasmita, *Sistem Peradilan Kontemporer* (Jakarta: Prenada Media Group, 2010), 2.

³ Anonim, "Kamus Besar Bahasa Indonesia (KBBI)", available on the website: <https://kbbi.web.id/efisien>

⁴ Evan Whitton, 2010, *Our Corrupt Legal System; Why Everyone Is a Victim (Expept Rich Criminals)*, Butterworth, Sydney, in Asep N. Mulyana, *Diferred Prosecution Agreement Dalam Kejahatan Bisnis* (Jakarta: Kompas Gramedia, 2019), 82.

⁵ Lawrence M. Friedman, *A History of American Law* (New York: Touchstone, 1973), 12.

⁶ Article 199 Draft Criminal Procedure Code, Elucidation on Special Routes.

⁷ William Pizzi and Mariangela Montagna, "The Battle to Establish an Adversarial Trial System in Italy," *Michigan Journal of International Law* 25, no. 2 (2004): 438

⁸ Inga Markovits, "Exporting Law Reform - But Will It Travel?," *Cornell International Law Journal* 37, no. 1 (2004):109

⁹ Margaret K. Lewis, "Taiwan's New Adversarial System and the Overlooked Challenge of Efficiency-Driven Reforms", *Virginia Journal of International Law* 49, no. 3 (2009): 672.

¹⁰ Hiram E. Chodosh, "Reforming Judicial Reform Inspired by U.S. Models," *Depaul Law Review* 52, no. 2 (2002): 351 and Allegra M. McLeod, "Exporting U.S. Criminal Justice," *Yale Law & Policy Review* 20, no. 1 (2010).

III. Research Methods

The approach method used is normative juridical research, namely research using positivist legislation, which states that law is identical to written norms made and promulgated by authorized institutions or officials. Also, this conception views law as a normative system that is autonomous, closed, and independent of people's lives.¹¹ The normative approach that uses secondary data sources is used to analyze laws and regulations, books, and articles that correlate and are relevant to the studied problems. The normative juridical approach method analyzes plea bargaining to realize an effective and efficient criminal justice. Besides, it also examines the concept of plea bargaining in the Draft Law on Criminal Procedure Code.

IV. Result And Discussion

1. Plea Bargaining to Realize Effective and Efficient Criminal Justice.

Plea Bargaining is a faster and more efficient settlement of cases when the defendant pleads guilty. Not only an admission of guilt, the defendant or his attorney can agree with the public prosecutor regarding the form and duration of generally lighter sentences. Plea Bargaining in the Black's Law Dictionary is defined as an agreement on the results of negotiations between prosecutors and the defendant so that the defendant who admits his guilt will receive a lighter sentence or be charged with a lighter criminal act.¹²

In practice, prosecutors and defendants negotiate or bargain in at least three forms, including (1) charge bargaining, where the prosecutor offers to reduce the types of criminal acts being charged; (2) fact bargaining (i.e., the prosecutor will only convey facts that relieve the defendant; and (3) bargaining center, namely negotiations between prosecutors and the defendant regarding the sentence the defendant will receive.¹³

The application of plea bargaining in the United States has made criminal justice in the United States effective and efficient so that criminal justice in the United States can prevent high costs and a long time in the criminal justice process. However, in adopting this concept, proper criminal law politics must apply its application under Indonesia's existing conditions.¹⁴ Based on this, the application of plea bargaining in the criminal justice system in Indonesia will be emphasized with several limitations, namely Plea Bargaining will be given to a defendant who has committed a criminal act with the threat of a sentence of fewer than five years (a minor criminal offense), this is to realize justice in society.¹⁵

Furthermore, the opportunity to get the Plea Bargaining process will be given to the defendant 1 (one) time so that the defendant who has done Plea Bargaining cannot get the opportunity to be tried using the Plea Bargaining mechanism. In implementing this idea, the public prosecutor's integrity is needed because the primary key to the Plea Bargaining System's success is the public prosecutor and the defendant or his legal advisor. So, in this case, it is necessary to change the pattern of recruitment of prosecutors and training as an effort to add

¹¹ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2005), 37.

¹² Henry Campbell Black, *Black's Law Dictionary With Pronunciations*, ed. Bryan A. Garner, Sixth Edition (Boston: St. Paul Minn West Group, 1990), 1152.

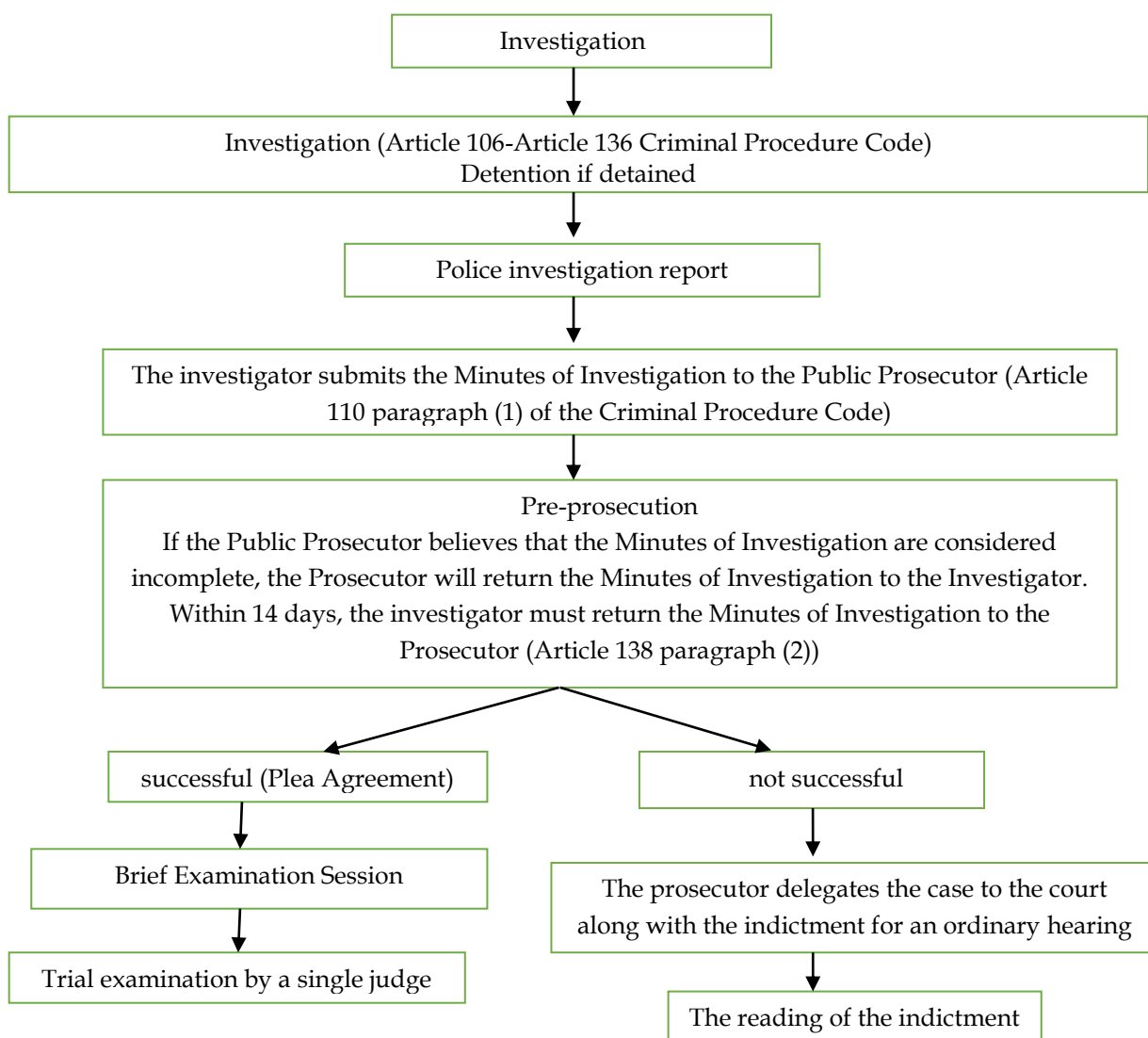
¹³ Departement of Justice, "Victim Participation in the Plea Negotiation Process in Canada," *Government of Canada*, last modified 2015, https://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rr02_5/p3.html.

¹⁴ Aby Maulana, "Konsep Pengakuan Bersalah Terdakwa Pada "Jalur Khusus" Menurut RUU KUHAP dan Perbandingannya Dengan Praktek Plea Bargaining Di Beberapa Negara", *Jurnal Cita Hukum FSH UIN Syarif Hidayatullah Jakarta* 3, no.1 (2015): 39.

¹⁵ Marfuatul Latifah, "Pengaturan Jalur Khusus Dalam Rancangan Undang-Undang Tentang Hukum Acara Pidana," *Jurnal Negara Hukum* 5, No. 1 (Juny 2014): 40.

insight to the public prosecutor regarding the Plea Bargaining System for the realization of a public prosecutor with integrity for the realization of an effective and efficient criminal justice process through the Plea Bargaining System. Furthermore, the government made regulations regarding the Plea Bargaining System's implementation mechanism, starting from implementing the Plea Bargaining System. It also guarantees the fulfillment of the defendant's rights when the defendant confessed his guilt, and the time limits for implementing the Plea Bargaining System mechanism to realize certainty in the application of justice is simple, fast, and low cost. Implementing the Plea Bargaining System in Indonesia can reduce the accumulation problem and realize a simple, fast, and low-cost criminal justice process. Thus, the purpose of the law, namely justice, benefit, and legal certainty, can be realized so that Indonesia's judicial process becomes more effective and efficient. Here, the author will put a concept matrix of applying the Plea Bargaining System in Indonesia's criminal justice process to provide an overview of the mechanism for implementing the Plea Bargaining System for the reform of the criminal justice system in Indonesia.

Chart 1
The plea bargaining system mechanism
in the criminal justice system in Indonesia



As a comparison of the application of Plea Bargaining in the Criminal Justice System in the United States as follows: Albert Alschuler argues that this "plea bargaining" emerged in the mid-19th and early 20th centuries,¹⁶ this system was instrumental in overcoming the difficulties of handling criminal cases, and by the 1930s the courts in the United States were heavily dependent on this system.¹⁷ In the Plea Bargaining System practice in the United States, if a person looks at the United States Department of Justice statistics in 2000, as many as 37,188 defendants carried out the Plea Bargaining mechanism 87.1% while only 5.2% went to court.¹⁸ The Supreme Court of the United States has stated that the Plea Bargaining mechanism is an essential and desirable element in its Criminal Justice System.¹⁹ The defendant's admission of guilt resolves Ninety-five percent of indictments in the United States.²⁰ From these data, the high level of success in implementing the Plea Bargaining System in the United States in handling criminal cases that go to court can be seen.

In the criminal justice system in the United States, there are several stages of handling criminal cases, starting from the investigation, prosecution, examination at trial, determining the sentence, and implementing the sentence. The trial process in the United States begins with the implementation of arraignment²¹ and preliminary hearing²², and At the time of execution, the accused must be present to provide his defense. Subsequently, the indictment will be held in an open trial, which usually begins with the official reading of the indictment by the public prosecutor, and during the reading of the indictment, the defendant must pay attention and listen to the charges read out by the public prosecutor. In that process, the defendant was informed of his right to ask for legal protection and also asked to answer the indictment by being present in the following agenda, namely in the defense agenda.²³

In the criminal justice system in the United States, plea bargaining occurs during the "arraignment" and "preliminary hearing" periods. If a defendant finds himself guilty of the crime he committed, the following process is the imposition of a punishment without going through "trial." The "arraignment on information or indictment" period is a short process to achieve the goal of informing the accused of the charges against him and giving the accused an opportunity to answer the accusation. Suppose the accused states "not guilty" or "guilty" or "*nolo contendere*" (no-contest). If the accused states not guilty, then the case is continued, and then it is tried before the trial by a jury. If the accused states "guilty" or "*nolo contendere*" (no-contest), then the case is ready to be decided. In particular, the "*nolo contendere*" (no-contest) statement has essentially the same implications as the "guilty" statement. However, in this case,

¹⁶ Albert Alschuler, "Plea Bargaining and Its History," *Columbia Journal Articles* 79, no. 1 (1979).

¹⁷ John H. Langbein, "Understanding the Short History of Plea Bargaining," *Yale Law School Review* 13, no. 2 (1979).

¹⁸ Misha, "Issues of Overcrowded Prisons and The Trade-Off "Plea Bargaining in the Criminal Justice" last modified 2005 <http://www.associatedcontent.com>

¹⁹ Sidhartha Mohapatra and Hailshree Saksena, "Plea Bargain: A Unique Remedy," last modified 2009 <http://indlaw.com>.

²⁰ Igor Bojanic and Ivana Barkovic Bojanic, "Plea Bargaining: A Challenging Issue in the Law and Economics," *Interdisciplinary Management Research* 11.

²¹ Arraignment is a trial before a judge or his representative that takes place a few days after someone is detained, where the charges against the suspect are read out and the suspect is asked about his attitude, whether he is guilty or not.

²² Preliminary hearing process in which investigators will go to court to obtain a judge's judgment whether there are strong reasons to believe that a certain suspect is the perpetrator of a crime and has sufficient grounds to be detained.

²³ Abdussalam and DPM Sitompul, *Sistem Peradilan Pidana* (Jakarta: Restu Agung, 2007), 4.

it does not require that the accused admitted his guilt. It is sufficient if he states that he will not challenge the prosecutor's accusations in the advance trial later.²⁴

2. Plea Bargaining in reforming the criminal justice system in Indonesia

Plea Bargaining's philosophical reason, namely Article 28D Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, states that "Everyone has the right to recognition, guarantees, protection, and legal certainty that is just and equal treatment before the law." Under these provisions, the Indonesian people have the right to get fair legal certainty and equal treatment before the law in every process of their life, one of which is as the focus of the author in this paper is that everyone who is a suspect/defendant in a criminal act is obliged to have certainty. Fair law in every process/stage of the settlement of a criminal case, one of which is the right to obtain legal certainty from the continuity of the case he is experiencing.

An excellent criminal justice process is undoubtedly one that can carry out a criminal justice process quickly and at low cost, which of course still takes into account the values of justice in it, as the author quotes from M. Najih in his book *Politics of Criminal Law* states that "progressives law must embody a sense of justice in society."²⁵ Because if a criminal justice process is carried out quickly and, of course, every person who is a suspect/defendant in a specific crime will get legal certainty in the process and continuity of the case he is experiencing,²⁶ This will have implications for the costs incurred by the litigating parties in the judicial process, which will result in a low-cost criminal justice process. The law is formed for humans, not the opposite, so pay attention to unresolved needs is necessary to reform Indonesia's criminal justice process.²⁷ Besides, The value of social justice and welfare means that the cost-benefit principle must also be counted in that process. It is necessary to have legal problem-solving by implementing a plea bargaining system in reforming the criminal justice system in Indonesia to overcome case build-up and the number of cases included in criminal justice. The provision of a space to settle a criminal case employing a case settlement mechanism outside the trial in certain criminal acts is a model that needs to be provided to form new criminal procedural law norms to reform Indonesia's criminal justice system.

It is regulated in Article 1365 of the Civil Code, where parties who feel that the business actor's actions have harmed them can file a claim for compensation through the court. Therefore, business actors must provide information that is true under Article 9 of Law Number 11 of 2008 concerning Electronic Information and Transactions.

The juridical reason for the Plea Bargaining concept, namely Article 28D Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, explains that "every Indonesian citizen has the right to get fair legal certainty and equal treatment before the law." The meaning of this provision is that every person who becomes a suspect/defendant in a criminal act is obliged to obtain fair legal certainty in every process/stages of the settlement of his criminal case, one of which is the right to obtain legal certainty from the continuation of the case he is experiencing. Article 9 Paragraph 3 of Law no. 12 of 2005 concerning Ratification of the International Covenant On Civil and Political Rights explains that one of the objectives of the principle of a

²⁴ Romli Atmasasmita, *Sistem Peradilan Pidana Kontemporer* (Jakarta: Kencana, 2010), 123-124

²⁵ M. Najih, *Politik Hukum Pidana: Konsepsi Pembaharuan Hukum Pidana dalam Cita Negara Hukum* (Malang: Setara Press, 2014), 34.

²⁶ See Article 9 Paragraph 3 of Law No. 12 of 2005 concerning Ratification of the International Covenant On Civil and Political Rights.

²⁷ Satjipto Rahardjo, *Negara Hukum yang Membahagiakan Rakyatnya* (Yogyakarta: Genta Publishing), 30.

speedy trial is to protect the rights of suspects/defendants, namely the right not to be detained for too long and to ensure legal certainty for them. That is in line with Article 4 paragraph (2) of Law no. 49 of 2009 concerning Judicial Power, which mandates that the judicial process must be carried out at a simple, fast, and low cost. However, based on the author's problems in this paper's previous sub-chapters, the criminal justice process's implementation has not realized a simple, fast, and low-cost judicial process. The complexity of Indonesia's criminal justice process has resulted in simple, fast, and low-cost judicial proceedings that cannot be realized in Indonesia's criminal justice process. So, in this case, it is necessary to reform the criminal justice system in Indonesia. That is the juridical basis for the urgency of implementing Plea Bargaining in Indonesia.

When looking at Plea Bargaining from the aspect of legal politics, the law is not an absolute and final institution because the law is always in the process of being (law as a process, a law in the making), so there is a need for reforms in the field of law to realize legal objectives.²⁸ The spirit of legal reform in Indonesia today is euphoria to create better conditions in legal development. Reforming the criminal law is one of the state's efforts to create social welfare and an effort to realize the law's objectives. Criminal Law Reform is a part of criminal law policy. As part of the criminal law policy,²⁹ then the reform of criminal law essentially aims to make criminal law better under the values that exist in society.

In the Indonesian context, criminal law reform is carried out as a strategy to create the best law that regulates, maintains, and maintains consistency in realizing the state's ideas and ideals, also so that the applicable criminal law is under the values of the Indonesian people. Mohammad Najih, in his book "Politik Hukum Pidana," classifies criminal law politics into several branches and scope of criminal law politics, namely the Criminalization Policy, Penal and Non-Penal Policy, Judicial Criminal Policy, criminal law enforcement policies, and criminal justice administration policies.³⁰ In this paper, the author will focus on discussing the criminal justice policy. That is because the criminal justice system in Indonesia is still far from good. It can be seen from the various problems that arise regarding the implementation of the criminal justice process in Indonesia, which were the problem is a genuine reason for the need for reform of the criminal justice system in Indonesia. Various problems in implementing criminal justice in Indonesia, such as the lengthy process for completing cases, the high costs of completing cases, and the accumulation of criminal cases in the endless court. This renewal is by implementing plea bargaining in Indonesia's criminal justice system to realize an effective and efficient criminal justice process.

As Rudolf Jhering's opinion, which the author quotes from Sundari in his book "Comparative Law and Legal Adoption Phenomenon,"³¹ it can be seen that what is sought in carrying out a legal comparison, an element of difference is the values contained in these different legal systems. So that in this case, what is considered better than one's own will later be adopted based on the uses and needs of the recipient country. A comparative study was conducted by comparing the United States and Indonesia's legal systems, although the two's legal systems are different.³² In this case, because plea bargaining in the United States has made

²⁸ Mochtar Kusumaadmadja, *Konsep-konsep Hukum Dalam Pembangunan*, (Bandung: Alumni, 2002), 53.

²⁹ Barda Nawawi Arief in Tongat, *Hukum Pidana Indonesia: Dalam Perspektif Pembaharuan* (Malang: UMM Press, 2010), 19.

³⁰ M.Najih, *Op. Cit.*, 22.

³¹ Sundari, *Perbandingan Hukum dan Fenomena Adopsi Hukum* (Yogyakarta: Cahaya Atma Pustaka, 2014), 27.

³² Peter Mahmud Marzuki, *Penelitian Hukum*, Revised Edition (Jakarta: Penerbit Kencana, 2015), 67.

criminal justice in the United States effective and efficient, criminal justice in the United States can prevent high costs and a long time in the criminal justice process. However, in adopting this concept, proper criminal law politics must apply its application under Indonesia's existing conditions. Based on this, the application of plea bargaining in the criminal justice system in Indonesia will be emphasized with several limitations, namely Plea Bargaining will be given to a defendant who has committed a criminal act with the threat of a sentence of fewer than five years (a minor criminal offense), this is to realize justice in society.

Furthermore, the opportunity to get the Plea Bargaining process will be given to the defendant 1 (one) time so that the defendant who has done Plea Bargaining cannot get the opportunity to be tried using the Plea Bargaining mechanism. In implementing this idea, the public prosecutor's integrity is needed because the primary key to the Plea Bargaining System's success is the public prosecutor and the defendant or his legal advisor. So, in this case, it is necessary to change the pattern of recruitment of prosecutors and training as an effort to add insight to the public prosecutor regarding the Plea Bargaining System for the realization of a public prosecutor with integrity for the realization of an effective and efficient criminal justice process through the Plea Bargaining System. Furthermore, the government should immediately make regulations regarding the implementation mechanism of the Plea Bargaining System. It starts from the procedure for implementing the Plea Bargaining System, guaranteeing the fulfillment of the rights of the defendant when the defendant confesses his guilt, as well as the deadlines for implementing the Plea Bargaining System mechanism. as an effort to create certainty in the application of a simple, fast and low-cost judiciary. Implementing the Plea Bargaining System in Indonesia can reduce the accumulation problem and realize a simple, fast, and low-cost criminal justice process. Thus, the purpose of the law, namely justice, benefit, and legal certainty, can be realized so that Indonesia's judicial process becomes more effective and efficient. Here, the author will put a concept matrix of applying the Plea Bargaining System in Indonesia's criminal justice process to provide an overview of the mechanism for implementing the Plea Bargaining System for the reform of the criminal justice system in Indonesia.

V. Conclusion

Bargaining plea is a legal problem-solving in overcoming the accumulation of criminal cases in Indonesia that have not been resolved to this day. The urgency to implement plea bargaining in Indonesia's criminal justice process can be seen for various reasons. Firstly the philosophical reasons lie in the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia concerning general welfare and social justice. Second, the juridical reasons contained in Article 28D Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, Article 9 of Law no. 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights and Article 4 paragraph (2) of Law no. 49 of 2009 concerning Judicial Power. Furthermore, third, political reasons, that criminal law reform is carried out as a strategy to create the best law to regulate, maintain, and maintain consistency in the realization of the ideas and ideals of the state, also so that the applicable criminal law is under the values of the Indonesian people.

VI. Suggestions

1. Ratify the rules regarding the Plea Bargaining System in the Criminal Procedure Code and the establishment of implementing rules governing the mechanism for implementing

the plea bargaining system in the criminal justice process in Indonesia, which later on these rules will also regulate guarantees of the rights possessed by the defendant at the time. Carry out a plea bargaining mechanism and time limits on each stage of the examination to create an effective and efficient criminal trial.

2. Later on, reforming the criminal justice system will prioritize restorative justice, namely the settlement of cases outside the trial by guiding the accused so that the objectives of punishment are achieved.
3. There is a need for guidance for the Public Prosecutors in terms of understanding theory and practice in implementing the plea bargaining system mechanism, considering that prosecutors are an essential element in the implementation of plea bargaining, this is so that the process can be carried out as intended for the achievement of an effective and efficient criminal justice.

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