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The Early Effectiveness of Plea Bargaining in Corruption Cases Under Indonesia's New Criminal Procedure Code

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ABSTRACT

The enactment of Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP) introduces fundamental changes to Indonesia's criminal justice system, including the plea bargaining mechanism under Article 78. The mechanism is designed to promote a fast, simple, and low-cost judicial process, particularly for criminal cases that may require lengthy and complex proceedings. This study aims to analyze the normative construction of plea bargaining under the new Criminal Procedure Code and assess its early effectiveness in corruption cases from the perspectives of procedural efficiency, recovery of state financial losses, and legal certainty. This study employs a doctrinal legal research method supported by limited interview data, using statutory and conceptual approaches. The findings indicate that the application of plea bargaining to corruption cases is substantially limited by the requirement that the applicable maximum criminal penalty must not exceed five years, making the mechanism more relevant to lower-level corruption offences than major corruption cases. Limited interviews with village government officials further indicate that the recovery of state financial losses at the local level may be constrained by technical difficulties, institutional limitations, and reluctance to bring cases into formal legal proceedings. Plea bargaining therefore has potential to accelerate case resolution and facilitate earlier recovery of state financial losses, but its effectiveness remains conditional. Clear implementation guidelines, objective standards for compensation or restitution, prosecutorial discretion, and judicial supervision are necessary to prevent sentencing disparities, abuse of bargaining mechanisms, and the weakening of the principle of material truth in Indonesia's criminal justice system.

Keywords: Plea Bargaining, Corruption Cases, Criminal Procedure Code, State Financial Losses, Legal Certainty.

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1. INTRODUCTION

Indonesia's criminal justice system has entered a significant phase of legal reform following the enactment of Law Number 1 of 2023 concerning the Criminal Code and Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP). The 2025 KUHAP, which came into force on 2 January 2026 and replaced Law Number 8 of 1981, introduces several substantial procedural innovations, including plea bargaining, deferred prosecution agreements, restorative justice, and strengthened procedural rights for suspects, defendants, victims, witnesses, and persons with disabilities (Republic of Indonesia, 2023, 2025). Among these reforms, Article 78 establishes the plea bargaining mechanism as a legally structured pathway through which an eligible defendant may admit guilt in exchange for a negotiated criminal concession, subject to prescribed procedural and judicial safeguards. The introduction of this mechanism represents a significant departure from the conventional adjudicative model because it incorporates negotiated case resolution into Indonesia's criminal procedural framework.

The introduction of plea bargaining responds, among other considerations, to longstanding concerns regarding the efficiency of criminal adjudication. Conventional criminal proceedings may require extensive evidentiary examination, multiple hearings, and substantial institutional resources. Nevertheless, international scholarship cautions against assuming that plea bargaining automatically produces greater efficiency. Gormley (2022) demonstrates that plea bargaining may generate its own forms of inefficiency and strategic behaviour, while

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Paolini et al. (2025), through a comparative examination of plea-bargaining procedures across jurisdictions, demonstrate that the design and institutional conditions of the mechanism substantially influence its operation. Guha (2024) further highlights the trade-offs between the costs of adjudication, the accuracy of verdicts, and negotiated sentencing outcomes. Accordingly, the effectiveness of plea bargaining cannot be assessed solely by whether it shortens criminal proceedings; it must also be examined in relation to procedural safeguards, prosecutorial discretion, judicial oversight, and the substantive objectives of criminal justice.

These concerns become particularly important when plea bargaining is applied to corruption offences. Indonesia's legal framework for combating corruption is principally governed by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption (Republic of Indonesia, 2001). Corruption cases differ from ordinary criminal cases because they frequently involve complex financial transactions, multiple participants, concealed assets, documentary and electronic evidence, and the recovery of state financial losses. Consequently, procedural efficiency in corruption cases cannot be separated from the objectives of accountability, deterrence, and recovery of public assets. International experience demonstrates that negotiated resolution in corruption and financial crime cases may facilitate asset recovery, but it may also create risks when the pursuit of recovery becomes disconnected from proportional punishment and procedural fairness. Abdulrauf (2022), for example, identifies asset recovery as an important function of plea bargaining in Nigerian corruption cases while also highlighting concerns regarding lenient punishment and deterrence. Similarly, Søreide & Vagle (2022) demonstrate that negotiated settlements in corporate bribery cases raise questions concerning bargaining power and the extent to which negotiated outcomes serve public enforcement objectives.

Within the Indonesian context, the issue is particularly significant because Article 78 of the 2025 KUHAP establishes specific eligibility requirements for plea bargaining. The mechanism may be applied subject to statutory conditions concerning the defendant's status, the maximum penalty applicable to the offence, and the defendant's willingness to comply with compensation or restitution requirements (Republic of Indonesia, 2025). The five-year maximum imprisonment threshold creates a substantial regulatory question when the mechanism is considered in relation to corruption offences, particularly because serious corruption offences may carry substantially higher penalties under the applicable anti-corruption legislation. The scope of Article 78 therefore raises an important question concerning which categories of corruption cases can realistically qualify for plea bargaining and whether its statutory design is capable of producing meaningful procedural efficiency without weakening the objectives of corruption enforcement.

The relationship between plea bargaining and recovery of state financial losses further strengthens this issue. Previous Indonesian scholarship has considered negotiated criminal resolution as a potential instrument for accelerating the recovery of assets associated with corruption, particularly because conventional proceedings may require considerable time before financial recovery can be effectively realized. Comparative research similarly identifies asset recovery as an important policy consideration in negotiated resolution of financial and corruption-related offences (Korejo et al., 2023; Tan, 2023). Reza & Ali (2024) further examine the relationship between plea bargaining and asset confiscation in corruption cases, highlighting the importance of connecting negotiated criminal resolution with effective recovery mechanisms. Nevertheless, an accelerated settlement does not necessarily guarantee adequate recovery. The central legal issue is therefore how to ensure that compensation or restitution reflects the actual value of state financial losses and is subjected to meaningful verification, enforcement, and judicial scrutiny.

Another unresolved issue concerns legal certainty. Plea bargaining necessarily increases the importance of prosecutorial discretion because prosecutors participate in determining whether an eligible defendant may enter the mechanism and what concessions may be offered. Comparative research has identified prosecutorial discretion, bargaining power, and procedural safeguards as central concerns in plea-bargaining systems (Grodensky et al., 2023; Paolini et al., 2025). Lundberg (2024) further demonstrates the importance of safeguards against circumstances in which defendants may plead guilty because of bargaining pressures rather than solely on the basis of factual guilt. In Indonesia, these concerns are amplified by the relatively new nature of Article 78 and the absence of a long-established body of judicial precedent governing the permissible scope of negotiated concessions. The problem is therefore not merely whether plea bargaining has a statutory basis, but whether its implementation can produce sufficiently predictable and consistent outcomes across cases and courts.

The legal certainty issue has become increasingly relevant following the implementation of the 2025 KUHAP.

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The early operation of Article 78 requires clear procedural standards concerning eligibility, the validity and voluntariness of the guilty plea, prosecutorial discretion, judicial supervision, and the proportionality of negotiated outcomes. Supreme Court Circular Letter Number 1 of 2026 provides an important institutional framework for the implementation of the new criminal law and criminal procedure regime (Supreme Court, 2026). The emergence of implementation-related legal questions during the early operation of the new KUHAP reinforces the importance of examining whether the statutory framework is sufficiently clear to prevent inconsistent application and protect the rights of defendants while maintaining the objectives of criminal justice.

Indonesian scholarship has increasingly examined the adoption and development of plea bargaining. Haeranah et al. (2025) analyse the concept of plea bargaining in the Indonesian criminal justice system and identify the need for clearer implementation standards. Firmansah et al. (2024) examine the urgency of applying plea bargaining to corruption cases, while Reza & Ali (2024) specifically discuss its relationship with asset confiscation in corruption cases. Arky & Diana (2024) examine the legal politics of plea bargaining arrangements in Indonesian criminal law enforcement, while Paklioy et al. (2024) discuss its application within the integrated criminal justice system. Picaesa & Abigael (2026) further examine the normative construction of the guilty-plea mechanism under the latest Criminal Procedure Code, while Rayhan (2026) discusses the implementation of plea bargaining under Law Number 20 of 2025. These studies provide important foundations for understanding the emergence and legal construction of plea bargaining in Indonesia.

However, the existing literature reveals several research gaps. First, much of the Indonesian literature has examined plea bargaining from the perspective of normative justification, conceptual adoption, or regulatory design, rather than assessing its early operation after Law Number 20 of 2025 entered into force. Second, studies concerning corruption generally emphasize either procedural efficiency or asset recovery without sufficiently integrating procedural efficiency, recovery of state financial losses, and legal certainty into a single analytical framework. Third, the relationship between the newly introduced plea bargaining mechanism and the pre-existing justice collaborator framework remains insufficiently examined. Both mechanisms provide incentives for cooperation, but they pursue different objectives: plea bargaining primarily facilitates negotiated case resolution, whereas the justice collaborator mechanism is directed toward cooperation in revealing broader criminal conduct, including the involvement of other perpetrators. The absence of a clearly articulated relationship between these mechanisms may create overlapping incentives and uncertainty concerning the treatment of cooperating defendants.

International scholarship further demonstrates why these gaps require attention. Plea bargaining may contribute to more efficient case processing, but it may also create risks of excessive prosecutorial discretion, bargaining inequality, sentencing disparity, and unreliable guilty pleas when judicial safeguards are insufficient (Gormley, 2022; Guha, 2024; Lundberg, 2024). Grodensky et al. (2023) further demonstrate that the manner in which prosecutors understand and exercise plea-bargaining discretion can substantially shape the practical operation of negotiated criminal resolution. In corruption cases, these risks are particularly complex because negotiated outcomes must simultaneously balance punishment, deterrence, procedural fairness, and recovery of public assets. Accordingly, the Indonesian model requires an assessment that goes beyond the conventional question of whether plea bargaining is faster than ordinary criminal proceedings.

This study therefore addresses a more specific question: whether the early implementation of plea bargaining under Article 78 of the 2025 KUHAP can effectively serve the objectives of corruption-case resolution without compromising the recovery of state financial losses and legal certainty. The study analyses the mechanism through three interconnected dimensions: (1) procedural efficiency, particularly its capacity to reduce the length and complexity of criminal proceedings; (2) recovery of state financial losses, particularly the adequacy, verification, and enforceability of compensation or restitution; and (3) legal certainty, particularly the consistency of eligibility requirements, prosecutorial discretion, judicial supervision, and negotiated outcomes. The study additionally examines the relationship between plea bargaining and the justice collaborator mechanism to identify potential areas of complementarity and regulatory overlap.

The novelty of this study lies in its post-enactment assessment of Article 78 within the specific context of corruption cases. Rather than merely advocating the adoption of plea bargaining, as much of the earlier Indonesian literature has done, this study evaluates the conditions under which the mechanism can operate effectively within Indonesia's newly established procedural framework. By integrating procedural efficiency, state

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financial-loss recovery, legal certainty, and the relationship between plea bargaining and the justice collaborator mechanism, the study develops a multidimensional framework for assessing the early effectiveness of negotiated criminal justice in corruption cases. The study consequently contributes to the development of Indonesian criminal procedural law by identifying the regulatory and institutional safeguards necessary to ensure that procedural efficiency does not come at the expense of accountability, proportionality, legal certainty, and the public interest.

Based on this framework, the study addresses two principal questions: first, how is the plea bargaining mechanism under Article 78 of the 2025 KUHAP constructed and applied to corruption cases; and second, to what extent can the mechanism achieve procedural efficiency, facilitate the recovery of state financial losses, and provide legal certainty during the early implementation of the new criminal procedural regime? The findings are expected to provide a legal and policy basis for strengthening implementing guidelines, judicial oversight, prosecutorial standards, and the harmonization of plea bargaining with existing anti-corruption cooperation mechanisms.

2. RESEARCH METHODS

This study employs a doctrinal legal research design supported by limited empirical data. The doctrinal component constitutes the primary analytical basis for examining the statutory construction, legal principles, and institutional framework governing plea bargaining in Indonesia, while the limited empirical component is used only to provide contextual evidence concerning the practical recovery of state financial losses. The combination of doctrinal and empirical elements enables the study to examine both the normative content of the law and selected practical circumstances surrounding its implementation (Choudhary, 2024; Blackham, 2022). This methodological design is appropriate because the principal research questions concern the construction and early effectiveness of a newly enacted legal mechanism rather than the measurement of its long-term empirical impact.

The study applies four complementary legal approaches. First, the statutory approach is used to examine the relevant provisions of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption, Law Number 1 of 2023 concerning the Criminal Code, and Law Number 20 of 2025 concerning the Criminal Procedure Code, particularly Article 78 governing plea bargaining (Republic of Indonesia, 2001, 2023, 2025). Supreme Court Circular Letter Number 1 of 2026 is also examined as an important judicial guideline for the implementation of the new criminal law and criminal procedure framework (Supreme Court, 2026). Second, the conceptual approach is employed to examine the concepts of plea bargaining, procedural efficiency, legal certainty, state financial-loss recovery, and cooperation between defendants and law-enforcement authorities. Third, a comparative approach is used selectively to contextualize Indonesia's model against international developments in plea bargaining and negotiated criminal resolution, particularly variations in procedural design, prosecutorial discretion, and safeguards across jurisdictions (Paolini et al., 2025). Fourth, a limited policy-oriented approach is used to assess the implications of the regulatory design for the early implementation of plea bargaining in corruption cases.

The primary legal materials consist of legislation and judicial regulatory instruments directly governing the subject matter, particularly Law Number 20 of 2001, Law Number 1 of 2023, Law Number 20 of 2025, and Supreme Court Circular Letter Number 1 of 2026. Secondary legal materials include peer-reviewed journal articles, legal books, and previous studies concerning plea bargaining, corruption, asset recovery, prosecutorial discretion, and criminal justice reform. These materials are used to develop the conceptual and comparative dimensions of the analysis, including studies on the efficiency and limitations of plea bargaining (Gormley, 2022; Guha, 2024), prosecutorial decision-making (Grodensky et al., 2023), risks associated with guilty pleas (Lundberg, 2024), and the relationship between plea bargaining, financial crime, and asset recovery (Abdulrauf, 2022; Korejo et al., 2023).

The limited empirical data were obtained through interviews with village government officials who have practical experience concerning the handling and recovery of state financial losses at the local level. The interviews were not designed to measure the statistical effectiveness of Article 78 or to establish general causal conclusions. Rather, they serve as contextual evidence to identify practical obstacles that may affect the recovery of state financial losses and the willingness of local institutions to bring such cases into formal legal processes.

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This distinction is important because the effectiveness of plea bargaining cannot be established solely from local-level experiences that do not directly involve the implementation of Article 78.

The legal materials were analyzed through grammatical, systematic, teleological, and comparative legal interpretation. The statutory provisions were first examined according to their wording and relationship with other relevant legal provisions. The analysis then considered the purpose of plea bargaining within the broader objectives of criminal justice reform, particularly the principles of procedural efficiency, legal certainty, accountability, and recovery of state financial losses. The interview data were analyzed thematically and used only to support the normative analysis. The overall analytical framework therefore evaluates the early effectiveness of plea bargaining through three principal dimensions: (1) procedural efficiency, (2) recovery of state financial losses, and (3) legal certainty and judicial safeguards. The relationship between plea bargaining and the existing justice collaborator mechanism is also examined because both mechanisms involve incentives for cooperation but pursue different legal objectives.

3. RESULTS AND DISCUSSION

3.1. Regulation and Legal Construction of the Plea Bargaining Mechanism in Corruption Cases

a. Legal Construction and Characteristics of Plea Bargaining

The enactment of Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP) introduces plea bargaining as a new procedural mechanism within the Indonesian criminal justice system. Article 78 establishes the statutory basis for the mechanism and provides specific conditions under which an eligible defendant may obtain a negotiated criminal consequence following an admission of guilt (Republic of Indonesia, 2025). Plea bargaining should therefore not be understood merely as a unilateral confession of guilt. Its legal structure contains a reciprocal element: the defendant provides an admission and fulfils the statutory requirements, while the criminal justice system provides a legally regulated consequence in the resolution of the case.

This characteristic distinguishes the Indonesian model from the broader concept of plea bargaining found in comparative criminal procedure. Internationally, plea bargaining does not constitute a single uniform institution. Paolini et al. (2025), based on an examination of plea-bargaining procedures across 174 jurisdictions, demonstrate substantial variation in legal design, the degree of negotiation, the role of judges, and the scope of prosecutorial discretion. Plea bargaining may involve charge bargaining, fact bargaining, or sentence bargaining, while some jurisdictions provide predetermined sentencing reductions rather than extensive negotiation. Accordingly, the Indonesian mechanism should not be assessed by mechanically comparing it with the United States model.

The Indonesian model is more appropriately understood as a legally structured and judicially supervised form of negotiated guilty plea. Its distinguishing characteristics include admission, procedural cooperation, and legally defined sentencing consequences within a statutory framework. This distinction is important for corruption cases because the mechanism must be evaluated not only according to its capacity to shorten proceedings but also according to whether the defendant's cooperation contributes to accountability and the recovery of state financial losses. Indonesian scholarship similarly identifies plea bargaining as an emerging component of criminal justice reform that requires clear normative and institutional boundaries (Arky & Diana, 2024; Haeranah et al., 2025).

The regulatory design also demonstrates that plea bargaining is not intended to eliminate judicial involvement. Instead, the negotiated resolution remains subject to judicial examination before it produces legal consequences. Supreme Court Circular Letter Number 1 of 2026 was issued as a judicial implementation guideline for the 2023 Criminal Code and the 2025 Criminal Procedure Code, with the stated purpose of maintaining consistency and preventing differing interpretations in criminal adjudication (Supreme Court, 2026). Judicial control is particularly important because prosecutorial discretion and institutional design can substantially influence plea-bargaining outcomes (Grodensky et al., 2023; Paolini et al., 2025).

b. Eligibility and Its Limitation in Corruption Cases

Article 78 of the 2025 KUHAP establishes specific conditions for the application of plea bargaining, including requirements concerning the defendant's status, the maximum criminal threat applicable to the offence, and compensation or restitution under the statutory framework (Republic of Indonesia, 2025). These requirements demonstrate that plea bargaining is deliberately designed as a restricted procedural mechanism rather than as

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a general alternative to ordinary criminal trials.

The criminal-threat limitation creates a particularly important problem when the mechanism is applied to corruption offences. The substantive legal framework for corruption is principally governed by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption (Republic of Indonesia, 2001). Several serious corruption offences carry substantial criminal penalties, which may place them outside the eligibility threshold established under Article 78 of the 2025 KUHAP. Consequently, many serious corruption cases may remain subject to ordinary criminal proceedings.

This limitation does not mean that plea bargaining is entirely irrelevant to corruption cases. Rather, its potential application is concentrated on corruption offences that satisfy the statutory requirements. The mechanism therefore cannot currently be treated as a comprehensive solution to the workload and complexity of corruption adjudication. Its contribution is more appropriately understood as a selective procedural pathway for eligible cases. This interpretation is consistent with Indonesian studies that have emphasized the need to reconcile the potential efficiency of plea bargaining with the characteristics and seriousness of corruption offences (Firmansah et al., 2024; Paklioy et al., 2024).

The limitation is also consistent with comparative evidence showing that the scope and use of plea bargaining are strongly influenced by legal design. Paolini et al. (2025) demonstrate that differences in regulatory complexity, procedural structure, and institutional arrangements influence the operation of plea bargaining across jurisdictions. Thus, the statutory threshold under Indonesian law is not merely a technical requirement; it is a determinant of the practical reach of the mechanism.

From the perspective of corruption policy, this limitation creates a difficult balance. Expanding the mechanism could increase procedural efficiency, but excessive expansion could allow serious corruption cases to avoid the full evidentiary process. Conversely, maintaining a narrow threshold preserves the ordinary trial route for major corruption cases but reduces the potential contribution of plea bargaining to reducing judicial workload. The current regulatory design therefore reflects a policy choice that prioritizes controlled application over broad procedural efficiency.

c. Procedural Safeguards and Judicial Control

The implementation of plea bargaining is further structured through procedural documentation, legal representation, and judicial supervision. The negotiated process must identify the relevant criminal allegations and the legal consequences proposed for the defendant before the admission is accepted within the applicable procedural framework (Republic of Indonesia, 2025). The involvement of legal counsel is particularly important because a guilty plea affects the defendant's opportunity to contest the prosecution's case through an ordinary evidentiary process.

Judicial approval is therefore not merely administrative. It functions as a safeguard against involuntary admissions, disproportionate concessions, and agreements that fail to satisfy statutory requirements. Supreme Court Circular Letter Number 1 of 2026 provides an important institutional framework for consistent implementation of the new criminal procedure regime (Supreme Court, 2026). The Supreme Court has also reported an early implementation of plea bargaining in a criminal case in 2026, illustrating that the mechanism has moved from statutory design into judicial practice.

Comparative research demonstrates that the roles of judges, defence lawyers, prosecutors, and other institutional actors vary considerably across plea-bargaining systems and that these design choices affect the operation of the mechanism (Paolini et al., 2025). The Indonesian model consequently requires meaningful judicial supervision to ensure that the admission is voluntary, that the factual basis of the offence is sufficiently established, and that the negotiated consequences remain proportionate.

This issue becomes particularly important in corruption cases because corruption may involve multiple actors, concealed transactions, financial intermediaries, and evidence that cannot be fully established through a defendant's admission alone. A guilty plea should therefore not automatically be treated as a substitute for factual verification. The efficiency obtained through an admission must remain compatible with the obligation to establish the factual and legal basis of criminal liability. Concerns regarding the relationship between plea bargaining, adjudicative accuracy, and negotiated sentencing further support the need for substantive judicial review (Guha, 2024).

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d. Relationship Between Plea Bargaining and Justice Collaborator

The Indonesian criminal justice system already recognizes incentives for cooperation through the justice collaborator mechanism. The two mechanisms share an important feature: both may provide legal benefits to defendants or offenders who cooperate with law enforcement. Nevertheless, their legal objectives are different.

Plea bargaining is primarily concerned with the efficient resolution of an eligible criminal case through an admission of guilt, whereas the justice collaborator mechanism is directed toward cooperation that assists law enforcement in revealing broader criminal conduct, networks, or other perpetrators. The distinction is particularly significant in corruption cases, where one defendant may possess information concerning other participants or the structure of corrupt conduct.

Plea bargaining and cooperation mechanisms should therefore not automatically be treated as identical institutions. Comparative research demonstrates that negotiated guilty pleas and cooperation arrangements may involve different forms of benefit and different institutional objectives (Paolini et al., 2025). Indonesian scholarship concerning the development of plea bargaining likewise indicates the importance of clarifying its relationship with existing cooperation mechanisms within the integrated criminal justice system (Haeranah et al., 2025; Paklioy et al., 2024).

The present regulatory framework consequently creates a potential area of overlap. A corruption defendant may have an interest both in admitting guilt to obtain a procedural benefit and in cooperating with authorities to obtain consideration as a justice collaborator. Without clear criteria for coordinating the two mechanisms, different forms of cooperation may produce uncertainty concerning the appropriate legal benefit.

Accordingly, the relationship between plea bargaining and the justice collaborator mechanism should not be framed as a choice in which one necessarily replaces the other. They may be complementary, provided that their respective objectives, eligibility requirements, evidentiary consequences, and sentencing benefits are clearly distinguished. Such harmonization is particularly important in corruption cases because the public interest extends beyond the resolution of an individual defendant's case to the disclosure of broader corrupt practices and the recovery of public assets.

3.2. Early Effectiveness of Plea Bargaining in Corruption Cases

a. Procedural Efficiency

From the perspective of procedural efficiency, plea bargaining has the potential to reduce the time and institutional resources required to resolve eligible corruption cases. A defendant who voluntarily admits guilt may reduce the need for extensive evidentiary examination, particularly where the relevant facts and evidence are sufficiently clear and the statutory requirements are satisfied. The mechanism can therefore reduce the procedural burden associated with witnesses, documentary evidence, expert testimony, and other stages of a contested trial.

This potential is consistent with the broader rationale underlying the expansion of plea bargaining in different jurisdictions. Paolini et al. (2025) demonstrate that plea bargaining has been formalized in numerous jurisdictions partly because criminal justice systems seek alternatives to fully contested trials. However, comparative evidence also demonstrates that the actual use and efficiency effects of plea bargaining depend on legal design and institutional context. Gormley (2022) similarly cautions that plea bargaining should not automatically be equated with efficiency because negotiated procedures may generate their own strategic and institutional costs.

In addition, Guha (2024) demonstrates that plea bargaining involves a trade-off between adjudication costs, verdict accuracy, and negotiated sentencing outcomes. Therefore, efficiency should not be measured solely by the reduction in the number of hearings or the duration of proceedings. The quality and reliability of the resulting criminal resolution must also be considered.

In Indonesia, the efficiency effect is further constrained by the eligibility requirements of Article 78. Because many serious corruption offences carry criminal threats exceeding the statutory threshold, a substantial proportion of corruption cases will remain subject to ordinary proceedings. Consequently, the mechanism may produce efficiency at the individual-case level without necessarily generating a substantial reduction in the overall workload of corruption courts.

The appropriate conclusion is therefore that plea bargaining has conditional procedural efficiency. Its ability

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to accelerate proceedings may be significant for eligible cases, but its aggregate impact on the Indonesian corruption justice system remains limited by the statutory scope of the mechanism. This distinction is important because it prevents the study from overstating the effectiveness of a mechanism that has only recently entered into force.

b. Recovery of State Financial Losses

The recovery of state financial losses constitutes the second and more distinctive dimension of effectiveness in corruption cases. Article 78 provides a legal context in which compensation or restitution may form part of the consequences associated with plea bargaining (Republic of Indonesia, 2025). This is important because corruption enforcement cannot be assessed exclusively from the perspective of imprisonment or conviction. Recovery of public assets is also a central component of the public interest in corruption proceedings.

International literature supports the importance of this dimension. Abdulrauf (2022), examining plea bargaining in Nigeria, identifies the recovery of illicit assets as an important rationale for negotiated criminal resolution while also highlighting the tension between asset recovery and the administration of justice. Korejo et al. (2023) similarly identify a dilemma between the efficiency advantages of plea bargaining in financial crime cases and the need to ensure that asset recovery does not become detached from broader criminal justice objectives.

The Indonesian context also requires attention to the relationship between plea bargaining and asset confiscation. Reza & Ali (2024) argue that the connection between negotiated criminal resolution and asset recovery is an important consideration when Indonesia evaluates plea bargaining in corruption cases. The mechanism therefore presents a potential advantage if compensation or restitution is properly assessed before an agreement is approved.

However, the willingness of a defendant to pay compensation cannot by itself establish that the amount offered corresponds to the actual state financial loss. There must be an objective basis for calculating the loss and a mechanism for verifying whether the proposed recovery is adequate. This requirement is especially important because an agreement that formally recognizes compensation does not necessarily mean that recovery has actually been achieved.

This issue becomes particularly significant where the defendant offers non-cash assets such as land or buildings. Asset recovery in such circumstances may involve valuation, ownership verification, liquidation, and transfer procedures before the asset can actually benefit the state. Accordingly, compensation or restitution should be assessed not only in terms of nominal value but also in terms of enforceability and actual transfer to the state.

The limited interviews conducted in this study provide contextual support for this problem. Village government officials indicated that state financial losses may sometimes be addressed informally through efforts to obtain compensation from responsible parties, including through assets such as land or houses. However, such practices may encounter practical and institutional obstacles, including difficulties in converting assets into recoverable funds and reluctance to bring cases into formal legal proceedings. These findings do not demonstrate the effectiveness of Article 78 itself; rather, they illustrate the practical environment in which state-loss recovery may occur and the barriers that a formal recovery mechanism must address.

The implication is that compensation or restitution should not be treated merely as a condition facilitating a faster plea. In corruption cases, the value and enforceability of recovery should be independently assessed. Otherwise, procedural efficiency may be achieved at the expense of the state's substantive financial interests.

c. Legal Certainty and Prevention of Abuse

The third dimension is legal certainty. The written nature of the agreement, identification of the relevant criminal provisions, involvement of defence counsel, and judicial approval provide an important foundation for transparency and predictability. These safeguards are preferable to informal negotiations because the parties' positions and the resulting legal consequences can be documented and reviewed (Republic of Indonesia, 2025; Supreme Court, 2026).

Nevertheless, legal certainty depends not only on whether an agreement is written but also on whether similar cases are treated according to sufficiently consistent standards. The breadth of prosecutorial discretion

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may create differences in the concessions offered to defendants in cases with comparable factual and legal characteristics. Comparative research shows that the design of plea-bargaining systems varies considerably with respect to the roles of prosecutors, defence lawyers, and judges (Grodensky et al., 2023; Paolini et al., 2025). This variation demonstrates why clear institutional standards are necessary if negotiated criminal justice is to produce predictable outcomes.

The risk is particularly serious in corruption cases because defendants may possess unequal bargaining positions and may have access to different levels of legal and financial resources. A defendant with substantial resources may be better positioned to negotiate compensation and sentencing consequences than a defendant with limited resources. The legal system therefore requires objective standards to ensure that negotiated outcomes do not depend excessively on bargaining capacity.

Another concern is the possibility that the admission of guilt becomes an instrument for avoiding deeper factual investigation. Lundberg (2024) highlights the importance of safeguards against circumstances in which defendants may plead guilty because of bargaining pressures rather than solely because of factual guilt. The existence of a guilty plea therefore does not automatically eliminate the need to verify the factual foundation of the offence, particularly where corruption involves multiple actors or concealed financial transactions.

International scholarship further indicates that efficiency-oriented criminal procedures may create risks of inaccurate outcomes if safeguards are insufficient (Guha, 2024; Lundberg, 2024). Therefore, judicial approval should involve substantive verification rather than merely formal confirmation of the agreement.

The legal certainty dimension consequently requires at least four elements: clear eligibility criteria, transparent prosecutorial standards, meaningful judicial review, and objective standards for determining compensation and sentencing concessions. Without these elements, the formal availability of plea bargaining may produce procedural speed while simultaneously increasing the risk of disparity and abuse.

d. Implementation Challenges and Policy Implications

The preceding analysis identifies four principal challenges in the early implementation of plea bargaining in corruption cases. First, there is a scope challenge arising from the criminal-threat threshold under Article 78. The threshold restricts the mechanism largely to eligible offences and limits its potential contribution to resolving more complex corruption cases.

Second, there is an institutional challenge concerning the readiness of prosecutors and courts to apply uniform standards. The newness of the mechanism means that a sufficiently developed body of judicial practice has not yet emerged. Supreme Court Circular Letter Number 1 of 2026 is therefore important as an implementation instrument intended to promote consistency and avoid divergent interpretations of the new criminal law and procedure (Supreme Court, 2026).

Third, there is an asset-recovery challenge. Compensation or restitution should be based on objectively established state losses and should be capable of actual enforcement. The value of assets offered by defendants should not be accepted solely on the basis of the parties' agreement. This concern is consistent with the broader literature on plea bargaining and financial-crime asset recovery (Abdulrauf, 2022; Korejo et al., 2023; Reza & Ali, 2024).

Fourth, there is a coordination challenge between plea bargaining and the justice collaborator mechanism. Both can provide benefits for cooperation, but their purposes are not identical. Clear rules are required to prevent double benefits, inconsistent treatment, or the loss of incentives for defendants to disclose broader corruption networks.

These challenges indicate that the effectiveness of plea bargaining should not be evaluated solely according to whether it shortens the criminal process. Its effectiveness should instead be understood as a balance between procedural efficiency, recovery of state financial losses, and legal certainty. A mechanism that resolves a case rapidly but produces inadequate recovery or inconsistent sentencing cannot be considered fully effective in the context of corruption enforcement.

Accordingly, the first policy priority should be the development and refinement of implementing guidelines for corruption cases that clarify eligibility, prosecutorial discretion, judicial review, and the calculation and verification of compensation. Second, judicial and prosecutorial authorities should establish standards that

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distinguish the benefits associated with plea bargaining from those available under the justice collaborator mechanism. Third, compensation agreements involving assets should be subject to objective valuation and verification before judicial approval. Fourth, the implementation of Article 78 should be periodically evaluated using actual case data once a sufficient number of cases becomes available.

The five-year threshold should also be evaluated cautiously rather than immediately removed. A broad exemption for corruption cases could increase the reach of plea bargaining but may simultaneously create an avenue for serious corruption defendants to obtain substantial sentencing concessions. Any future adjustment should therefore be based on objective criteria, such as the seriousness of the offence, the amount of state financial loss, the degree of cooperation, the extent of asset recovery, and the defendant's role in the offence.

Overall, the early implementation of plea bargaining demonstrates meaningful potential but should presently be characterized as conditionally effective rather than fully effective. The mechanism offers a legally structured opportunity to accelerate eligible cases and facilitate recovery, but its impact on corruption enforcement remains constrained by the statutory eligibility threshold, the limited period of implementation, the need for stronger standards for compensation verification, and the potential overlap with the justice collaborator mechanism. Its longer-term effectiveness will therefore depend not only on the existence of Article 78 but also on the quality of institutional safeguards governing its implementation.

4. CONCLUSION

The study finds that the Plea Bargaining mechanism under the 2025 Criminal Procedure Code provides a new pathway for more efficient criminal case resolution, but its application to corruption cases remains limited by the maximum five-year criminal-threat requirement. Consequently, the mechanism is unlikely to cover major corruption cases and is more relevant to eligible lower-level offences. Its potential effectiveness lies in reducing procedural burdens and facilitating earlier recovery of state financial losses through compensation or restitution; however, such effectiveness remains conditional because detailed implementation standards, particularly concerning the verification of recovered assets, prosecutorial discretion, and judicial supervision, are still required. The mechanism must therefore be understood as an early-stage and conditionally effective instrument rather than a comprehensive solution for corruption-case resolution.

The study further finds that the relationship between Plea Bargaining and the existing justice collaborator mechanism requires clearer regulatory coordination because both provide incentives for cooperation but serve different legal objectives. The limited field evidence also indicates that state-loss recovery at the village level may be hindered by informal settlement practices and institutional reluctance to bring losses into formal legal proceedings. Accordingly, the Supreme Court and prosecutorial authorities should establish specific guidelines for corruption-related Plea Bargaining, including objective standards for eligibility, compensation or restitution verification, prosecutorial discretion, and judicial review, while clarifying its relationship with the justice collaborator mechanism. These safeguards are necessary to ensure that procedural efficiency does not undermine legal certainty, accountability, or the substantive objective of recovering state financial losses.

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Conflicts of Interest
The authors declare no financial conflicts of interest or personal relationships that could influence, or appear to influence, the analysis results and legal arguments presented in this article.

Availability of Data and Legal Materials
All legal materials, statutory provisions, or supporting data analyzed in this research are fully referenced and discussed in this manuscript.

Statement on AI Usage
The authors declare that no Generative AI technology or AI assistance tools were used during the preparation, drafting, or analysis of this manuscript.

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REFERENCES

Abdulrauf, S. H. (2022). Plea bargaining in the Nigerian criminal justice system: A procedural tool for loot recovery or justice administration? *Crime, Law and Social Change*, 78, 145–164. https://doi.org/10.1007/s10611-022-10022-5

Arky, M. I., & Diana, L. (2024). Legal politics of plea bargaining arrangements in law enforcement of criminal cases in Indonesia. *Scientific Journal of Educational Vehicles*, 10(2). https://doi.org/10.5281/zenodo.14291789

Blackham, A. (2022). When law and data collide: The methodological challenge of conducting mixed methods research in law. *Journal of Law and Society*, 49(S1), S87–S104. https://doi.org/10.1111/jols.12373

Choudhary, K. (2024). Which method should I select for my legal research—Doctrinal, empirical, multi-method or something else? *Teisė*, 132, 135–144. https://doi.org/10.15388/Teise.2024.132.10

Firmansah, M. H., Ariyani, W., & Suyoto. (2024). The urgency of implementing plea bargaining in resolving corruption crime cases in Indonesia. *Uniglobal Journal of Social Sciences and Humanities*, 3(1), 64–70. https://doi.org/10.53797/ujssh.v3i1.10.2024

Gormley, J. (2022). The inefficiency of plea bargaining. *Journal of Law and Society*, 49(2), 277–293. https://doi.org/10.1111/jols.12360

Grodensky, C. A., Crozier, W. E., Gifford, E. J., & Garrett, B. L. (2023). Understanding plea bargaining in a new progressive DA's office: How line prosecutors understand and implement progressive goals through plea decisions. *Crime & Delinquency*, 69(3). https://doi.org/10.1177/00938548221140356

Guha, B. (2024). Plea bargaining when juror effort is costly. *Economic Theory*, 78(3), 945–977. https://doi.org/10.1007/s00199-024-01551-2

Haeranah, H., Mirzana, H. A., Anas, A. M. A., Iskandar, I., Arifin, A. P., Amri, U., & Normiati, N. (2025). The concept of plea bargain in the criminal process system in Indonesia. *Law Reform*, 21(1), 1–16. https://doi.org/10.14710/lr.v21i1.66764

Korejo, M. S., Rajamanickam, R., Said, M. H. M., & Korejo, E. N. (2023). Plea bargain dilemma, financial crime and asset recovery. *Journal of Money Laundering Control*, 26(3), 628–639. https://doi.org/10.1108/JMLC-01-2022-0009

Lundberg, A. (2024). Do prosecutors induce the innocent to plead guilty? *Economic Inquiry*, 62(2), 650–674. https://doi.org/10.1111/ecin.13203

Nelson, F. M. (2020). *Plea bargaining & deferred prosecution agreement in corruption crimes*. Sinar Grafika.

Noviyanti, M. M. (2024). Nilai kemanfaatan konsep plea bargaining system terhadap tindak pidana korupsi jika diterapkan pada sistem peradilan pidana di Indonesia. *Jurnal Darma Agung*, 28(2), 365-374. http://dx.doi.org/10.46930/ojsuda.v32i5.4614

Nyathi, M. (2023). Re-asserting the doctrinal legal research methodology in the South African academy: Navigating the maze. *South African Law Journal*, 140(2), 330–348. https://doi.org/10.47348/SALJ/v140/i2a5

Paklioy, R. P. D., Titahelu, J. A. S., & Latumaerissa, D. (2024). Application of the concept of plea bargaining in the integrated criminal justice system in Indonesia. *TATOHI: Journal of Legal Sciences*, 4(8), 651. https://doi.org/10.47268/tatohi.v4i8.2473

Paolini, G., Kantorowicz-Reznichenko, E., & Voigt, S. (2025). Plea bargaining procedures worldwide: Drivers of introduction and use. *Journal of Empirical Legal Studies*, 22(1), 27–75. https://doi.org/10.1111/jels.12406

Picaesa, A. D., & Abigael, F. (2026). Normative construction of confession of guilt in the latest Criminal Procedure Code: Adaptation of common law mechanisms in the Indonesian criminal justice system. *Journal of Legality*, 4(1), 43–53. https://doi.org/10.38035/jihhp.v5i5

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Rayhan, A. S. (2026). Implementation of plea bargain in Law Number 20 of 2025 concerning the Code of Criminal Procedure for the purpose of crime in Indonesia. *JIHHP: Journal of Law, Humanities and Politics*, 6(1), 3210. https://doi.org/10.38035/jihhp.v6i4.8520

Republic of Indonesia. (2001). *Law Number 20 of 2001 concerning amendments to Law Number 31 of 1999 concerning the eradication of corruption.*

Republic of Indonesia. (2023). *Law Number 1 of 2023 concerning the Criminal Code.*

Republic of Indonesia. (2025). *Law Number 20 of 2025 concerning the Criminal Procedure Code.*

Republic of Indonesia. (2026). *Law Number 1 of 2026 concerning criminal adjustment.*

Reza, M. H. M., & Ali, M. (2024). Asset confiscation in corruption cases through plea bargaining system: Should Indonesia learn from Nigeria? *Contemporary Issues in Criminal Law*, 1(1). https://doi.org/10.20885/CICL.vol1.iss1.art4

Søreide, T., & Vagle, K. (2022). Settlements in corporate bribery cases: An illusion of choice? *European Journal of Law and Economics*, 53, 261–287. https://doi.org/10.1007/s10657-022-09726-9

Supreme Court of the Republic of Indonesia. (2026). *Supreme Court Circular Letter Number 1 of 2026 concerning guidelines for the implementation of the 2023 Criminal Code and the 2025 Criminal Procedure Code.*

Tan, V. (2023). Belt and Road Initiative: The interplay between corruption, plea-bargaining and civil alternative dispute resolution. *Journal of Financial Crime*, 30(3), 603–617. https://doi.org/10.1108/JFC-02-2023-0029

Unnithan, M., Bengtsson, L., Dargue, P., & Shen, A. (2022). Editorial to the special edition of the Journal of Legal Research Methodology on "Empirical Legal Research." *Journal of Legal Research Methodology*, 2(1), 1–2. https://doi.org/10.19164/jlrm.v2i1.1310

Yuda, V. P. (n.d.). The principle of legal usefulness and certainty in the administrative settlement process of corruption cases. *JIHHP: Journal of Law, Humanities and Politics*, 5(5), 4421.

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